S. Hrg. 98-748

TANDEM TRUCK SAFETY ACT OF 1984

HEARING

BEFORE THE

SUBCOMMITTEE ON SURFACE TRANSPORTATION

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S. 2217

TANDEM TRUCK SAFETY ACT OF 1984

MARCH 22, 1984

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TANDEM TRUCK SAFETY ACT OF 1984

THURSDAY, MARCH 22, 1984

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION,
SUBCOMMITTEE ON SURFACE TRANSPORTATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:06 o'clock a.m., in room SD-196, Dirksen Senate Office Building, Hon. John C. Danforth (chairman of the subcommittee) presiding.

Staff members assigned to this hearing: Karen Phillips, professional staff member; and Steve Palmer, minority staff counsel.

OPENING STATEMENT BY SENATOR DANFORTH

This morning, the Surface Transportation Subcommittee will hear testimony on S. 2217, the "Tandem Truck Safety Act of 1984." This bill was introduced by Senator Moynihan to address his concern about the safety of tandem trucks operating on certain interstate highways, especially older highways in urban areas.

Safety is a longstanding concern of the Commerce Committee. This committee, however, is also vitally concerned about the need to insure that interstate commerce is not impeded by conflicting regulatory requirements imposed by State authorities.

We will hear testimony today addressing a variety of issues surrounding S. 2217 and the need, or lack thereof, for such legislation.

I also want to note my pleasure at having so many of my distinguished colleagues at this hearing. I look forward to hearing from Senator Moynihan, Congresswomen Ferraro and Kennelly, and Congressman Ratchford, along with our other witnesses who are scheduled to appear today.

Senator Hollings has an opening statement for the record.

OPENING STATEMENT BY SENATOR HOLLINGS

Let me begin today by commending Chairman Danforth for his recent efforts to improve the safety record of each of the various modes of surface transportation. Most notably and recently has been S. 2174, the Motor Carrier Safety Act of 1983, which I am happy to be joining him as a co-sponsor. This legislation clearly compliments our efforts to extend the motor carrier safety provisions enacted in 1982 in the Surface Transportation Assistance Act.

It is the STAA that has brought us here again today to discuss the need for legislation affecting the safe operation of the new larger and tandem tractor-trailers. In an effort to address a problem related to Interstate design and construction of older segments in several urbanized areas, my colleague from New York, Senator Moynihan, has carefully proposed legislation, S. 2217, the Tandem Truck Safety Act of 1984, to amend the STAA. Because of the paramount importance of safety on our nation's highways, the Committee felt it necessary to review S. 2217 and to solicit comments on its content.

S. 2217, very simply, would enable state and local governments to petition the U.S. Department of Transportation to prohibit the operation of the larger and tandem trucks when safety is clearly threatened. This is a laudable concept, one which must be addressed in order to strengthen and improve highway safety.

It is very important to me, however, that if this bill is brought before the Committee for its consideration, every effort must be made to ensure the continued smooth flow of interstate commerce. Specifically, I hope we do not unduly burden trucking operations by not providing alternate routings. It is also important that the Secretary of Transportation solicit input from neighboring states to ensure that there is no adverse effect on truck operations in any other state. Finally, I strongly believe that specific criteria should be established for DOT to use in making its safety determinations. We should not allow the possible substitution of politics or subjective judgement for sound engineering and design standards.

With these points in mind, I look forward to working with each of the interested parties to S. 2217 and hope that together, we can improve the safe operation of motor carriers without adversely affecting the efficient movement of interstate commerce.

[The bill follows:]

II

98TH CONGRESS
2D SESSION

S. 2217

Entitled the "Tandem Truck Safety Act of 1984".

IN THE SENATE OF THE UNITED STATES

JANUARY 26 (legislative day, JANUARY 23), 1984

Mr. MOYNIHAN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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A BILL

Entitled the "Tandem Truck Safety Act of 1984".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 441(a) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highways" and by striking out the comma after "Secretary".

(b) Section 441(c) of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than a segment exempted under subsection (i) of this section)" after "Defense Highway".

(c) Section 441 of the Surface Transportation Assistance Act of 1982 is amended by adding at the end thereof the following new subsection:

"(i)(1) If the Governor of a State, after consultation with units of local government in which any segment of the Interstate System is located, believes that such segment is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Governor may notify the Secretary of such belief and request that the Secretary exempt such segment from such subsection or from both such subsections. The Governor shall transmit all evidence supporting such determination with such notification.

"(2) If the Secretary determines that any segment of the Interstate System for which a Governor requests an exemption under this subsection is not capable of safely accommodating motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), the Secretary shall exempt such segment from such subsection or from both such subsections. The Secretary shall make a final determination whether or not to exempt a segment of the Interstate System under this subsection not later than forty-five days after receipt of notification under paragraph (1) with respect to such segment. Any exemption granted by the Secretary under this paragraph before the date on which final rules are issued under subsection (e) shall be included as part of such final rules. Any such exemption granted on or after such date shall be published as a revision of such rules.

"(3) If the Secretary exempts any segment of the Interstate System from subsection (a) or (c) of this section, the Secretary shall consult with the affected units of local government for the purpose of determining whether an alternative route exists which (A) can safety accommodate motor vehicles having the lengths set forth in subsection (a) or motor vehicle combinations described in subsection (c), and (B) which serves the area through which such segment of the Interstate System passes.".

(d) Section 412 of the Surface Transportation Assistance Act of 1982 is amended by inserting "(other than any segment thereof which is exempted under section 411(i))" after "Interstate and Defense Highway System".

Senator **DANFORTH**. I think that Senator Lautenberg has a statement that he wants to reserve until later.

Our first witnesses are Senator Moynihan and Congresswoman Ferraro.

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM NEW YORK

Senator **MOYNIHAN**. Good morning, Mr. Chairman.

How would you like us to proceed?

Senator **DANFORTH**. Good morning.

Pardon?

Senator **MOYNIHAN**. How would you wish us to proceed?

Senator **DANFORTH**. Why do you not just start?

Senator **MOYNIHAN**. Mr. Chairman, I have a prepared statement which I would like to submit for the record. I will simply summarize the proposal before you, a proposal which was originally introduced in the House by my colleague, Representative Ferraro, and which has passed the House of Representatives. Unfortunately, the proposal is attached to a bill H.R. 3103, that has not been sent to the Senate. In effect, we are going to have to use this vehicle, S. 2217, if we are going to solve this problem.

Now, what is the question before us, sir? It has two parts: First, the Surface Transportation Assistance Act of 1982 allowed considerably larger single and tandem trucks to operate on the entire Interstate Highway System and on certain Federal primary-aid roads. That act recognized that there would be sections of the primary road system which were designed for smaller trucks. So we enacted a provision that permitted those sections of the primary roads which were, you might simply say, too small for the big trucks, to be excluded from the large truck requirements. This is a matter of safety. And, I would like to make clear, the issue is the safety of the truck drivers. They are the people that are killed in truck accidents. Other travellers in passenger cars, of course, are at risk too.

My second point is that the same bill did not provide for similar exemptions for the Interstate Highway System where a similar safety problem could arise. We did not make this provision, because we thought that the entire Interstate System was built to specifications that could safely handle these larger sized vehicles. Overwhelmingly the Interstate System can safely accommodate the bigger trucks. However, there are in a number of cities around the country—New York is perhaps the city with the largest number of instances—portions of previously constructed highway have been incorporated into the Interstate System. These highways do not meet current interstate design standards.

If you have been to New York recently, or anytime since 1949, you have been able to ride the Brooklyn-Queens Expressway, perhaps the ugliest road ever built.

Ms. **FERRARO**. In my district.

Senator **MOYNIHAN**. And one of the loveliest districts, I might add.

The Brooklyn-Queens Expressway has been patched up and fixed up over the years, but the ramps and the turning radii and other design specifications are the same as they were when the highway was built. Quite simply, you cannot run these big tandem trailers safely on this road. You do so at the risk of many people, not just the truck drivers.

Senator DANFORTH. I know the road, sorry to say.

Senator MOYNIHAN. Now, sir, a second event has occurred. In a recent case in Connecticut, Judge Cabranes held that in the 1982 Act—and I would like to quote Judge Cabranes: "There can be no question that preemption of State statutes barring tandem trailers was exactly what the Congress sought to effect." What we propose is elemental. We would like to give the State Governors the right to request of the Secretary of Transportation that certain segments of the Interstate Highway System be excluded from use by the larger vehicles. Within 45 days of that request, the Secretary of Transportation must decide whether to exempt that particular section. The decision would be made entirely by the Secretary of Transportation.

The standards to be met would be set by the Secretary of Transportation. May I say this is a well-established branch of engineering. The kind of mathematics and analysis needed is nowhere done better than in the FHWA. That is the entire proposal.

I do not wish to speak for the Department of Transportation. Mr. Barnhardt cannot be here today. Mr. Lamm, his deputy, is. They are altogether in sympathy with this proposal. They are not in the business of building unsafe highways or endangering the lives of people that use them. I believe you will hear today that the Department of Transportation would like to go a bit further in legislation and give the Secretary of Transportation the right to exempt a portion of the interstate highway even if the Governor has not requested it. And if that is the only amendment they desire, it certainly would be acceptable to me. That is all I have to say on this matter.

The person that is the most conspicuous element which adorns this district which otherwise bears the burden of the Brooklyn-Queens Expressway, is Congresswoman Ferraro.

[The statement follows:]

STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM NEW YORK

Mr. Chairman, I would like to begin by expressing my appreciation to you for conducting these hearings on S. 2217, the Tandem Truck Safety Act of 1984, legislation I have advanced with my distinguished friend, Congresswoman Geraldine Ferraro. I also would like to note my appreciation for the interest expressed by the Chairman of this committee, Senator Packwood.

Before I discuss the legislation, permit me to outline briefly the background. In the Surface Transportation Assistance Act of 1982 (STAA), the Congress required the States to allow tandem trailers and longer single trailers on all Interstate Highways and on certain Federal-aid primary roads designated by the Secretary of Transportation.

However, Mr. Chairman, in the STAA, we also acknowledged that some sections of the Nation's Federal-aid primary roads simply could not safely accomodate these larger single and tandem trailers. The STAA, therefore, permits the operation of these larger trucks only on those Federal-aid primary roads "that are capable of safely accommodating" them. The Congress recognized that, while uniform truck lengths on the Federal-aid primary system would enhance commerce, we could not forgo the safety of American travelers by permitting the larger trucks on unsafe highways.

The STAA, however, did not provide for a similar safety exemption for the Nation's Interstate Highway System. Section 411 all of the STAA is clear and direct; it mandates that the States must allow single trailers of 48 ft. and tandem trailers of 28 ft. per trailer on the entire Interstate Highway System.

The recent Supreme Court decision, in the case concerning the ban on tandem trailers legislated by the State of Connecticut, should make clear that Federal law has pre-empted state law. In the words of District Court Judge Cabranes, who issued the preliminary injunction against the ban, "There can be no question that pre-emption of state statutes barring tandem trailers was exactly what the Congress sought to effect."

I have no quarrel with the recent Supreme Court decision. The Federal government has responsibility for the regulation of interstate commerce.

It is simply not the fact, however, that every part of the Interstate Highway System possesses the necessary safety features—adequate acceleration and deceleration lanes, ample radii on curves and the like—to ensure safe operation of the longer trucks.

In some major metropolitan areas, including the City of New York, highways built long before the promulgation of Interstate design standards have been incorporated into the Interstate Highway System. Some sections of Interstate Highway in New York, for example, do not possess the 12 ft. wide lane that is the minimum standard for Interstate Highways. There are many other design deficiencies as well. And Federal Interstate funds are not available to correct these deficiencies.

One safety consideration compounded by these design deficiencies is off-tracking. This occurs when a truck trailer encroaches upon an adjacent lane as the truck makes a turn. Curve radii of the New York City Interstate ramps and interchanges are below acceptable levels and the longer trucks cannot safely maneuver on them. The longer the trailer, the more its rear end will encroach on adjacent lanes when turning. This increases the chance of a collision with a vehicle in another lane.

The problem is that, while many of our urban Interstates cannot safely accommodate the larger vehicles, the STAA does not provide the Secretary of Transportation with the discretion to exempt those unsafe segments from the tandem trailer and larger truck requirements.

Mr. Chairman, the problems confronting the City of New York and other urban areas are not going to go away by themselves; the Congress must resolve the issue legislatively.

I understand that the Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have claimed that the States can mitigate the safety problems posed by the double and longer single trailers, by the exercise of State police powers. The FHWA, for example, suggested in the Federal Register that the States could impose land or hour-of-operation restrictions. I question, though, whether any such state regulation would survive a challenge in the courts. Judge Cabranes has said so.

To solve this problem, I introduced the Tandem Truck Safety Act of June 1984, S. 2217, on January 26, 1984. An identical measure, introduced by Congresswoman Ferraro as H.R. 2530, passed the House of Representatives on November 1, 1983, as an amendment to H.R. 3103, legislation approving the Interstate Cost Estimate. Unfortunatley, the Congress is unlikley to act on H.R. 3103.

Let me describe what our bill does. The measure would permit the Governor of a State, after consulting with local governments, to seek an exemption for any segment of the Interstate Highway System that could not safely accommodate the larger single and tandem trailers. The Governor would transmit all evidence to the Secretary of Transportation, who then would determine within 45 days whether the larger trucks could safely travel on the Interstate. If the Secretary concurred, she then would exempt those unsafe sections from the tandem trailer and larger single truck requirements of the STAA.

Although the legislation does not specify the safety considerations that must be taken into account, I would expect the Secretary to examine the existing safety record, lane widths, shoulders, grades, ramp geometry and vertical clearances, among other criteria.

Mr. Chairman, this legislation represents a reasonable and appropriate response to this matter. It is not our intent to obstruct the flow of interstate commerce in any way. Indeed, this measure requires that the Secretary consult with local governments to determine whether an alternate, and safe, route can be found for the larger trucks.

I also would like to point out that, under our bill, the authority for safety determinations rests with the Federal government, where it ought to rest. The Secretary of

Transportation will have the final authority to approve, or disapprove, any request for exemption.

The legislation would accomplish two important goals. First, it will provide the authority, now absent, for the Federal government to exempt those unsafe segments of the Nation's Interstate Highway System. Second, it will remove any remaining doubt about the authority of the States to exercise police powers to enforce hour-of-operation or similar restrictions.

I urge the Commerce Committee, in reviewing this legislation, to consider highway safety as the prime concern. None of us want the flow of interstate commerce impeded, but neither ought we sacrifice the safety of American travelers for commercial considerations.

Mr. Chairman, I urge you and the distinguished members of this Committee to support this legislation.

Again, thank you for conducting this hearing. I look forward to working with the Committee to help turn this bill into law.

STATEMENT OF HON. GERALDINE FERRARO, U.S. REPRESENTATIVE FROM NEW YORK

Ms. FERRARO. Thank you. Thank you, Mr. Chairman, for allowing me to participate in this meeting. I have had the opportunity to discuss this matter with Senator Packwood, and I am pleased to see the distinguished Senator from New Jersey participating as well.

Mr. Chairman, the Surface Transportation Assistance Act of 1982 is an enormously complex piece of legislation, and I think many of us knew at the time of its enactment that we would have to come back and do some fine-tuning. That is why I welcome this hearing and the opportunity it gives us to correct a potentially dangerous and serious safety problem posed by a provision of the act.

I am referring specifically to section 411(c) which states that no State shall prohibit tandem trailers on any segment of interstate and defense highways. While most of the 42,000 miles of interstate highways are suitable for the longer, wide trucks permitted by the STAA, there are a number of segments that are not up to today's standards of highway design; and one of them pointed out to you lies in my district.

There are interstates that have 10-foot-wide traffic lanes instead of the minimum lane width of 12 feet. We also have roads on the Interstate System that lack acceleration or deceleration lanes, that have substandard shoulders or no shoulders at all, and that have no truck climbing lanes on steep grades. I would also like to point out that problems of this kind are not unique to New York City. Similar conditions exist on interstate highways in cities such as Boston and Philadelphia, and in Connecticut as well.

Notwithstanding this fact, under the present law, States cannot prohibit tandem trucks on any segment, even if local, State, and Federal officials all agree that their operation would constitute a possible safety hazard. The rigid, inflexible approach that the law provides for with respect to the Interstate System is in marked contrast to the more flexible, commonsense approach used in dealing with the Federal aid primary system.

When the Federal Highway Administration and the States were discussing which roads on the primary system to open up to the larger trucks, they focused on safety considerations. These discussions led to the de-designation of a number of roads that had initially been included in the FHWA's network.

It seems to me only reasonable that the same safety-based considerations that have been applied in deciding whether to permit larger trucks on the primary system should be applied to segments on the Interstate System. That is what the bill before you would provide for, and that is why I first introduced this legislation in the House last year.

I must tell you that when we held hearings on this issue last year in the House, the problem addressed in the legislation was not well understood. Most people assumed that segments on the interstate highway are built to the highest design standards and can safely accommodate the larger trucks now permitted to operate nationwide. But as Senator Moynihan has already pointed out, there are a number of interstates, especially in the Northeast, that are woefully inadequate by modern design standard.

We have made a lot of progress in the last 9 months in making people more aware of the problem. I am gratified that the approach taken in S. 2217 and H.R. 3103 has been endorsed by the American Association of State Highway and Transportation Officials, the U.S. Conference of Mayors, the American Automobile Association, and the National Conference of State Legislators.

I think also the fact that the administration will testify this morning that it will make their job a little bit easier if this legislation is passed is very, very positive. As lawyer looking at the law, I do not see any way in which they would have any authority under the current statute to move to exclude any part of the interstate highways, and I think to look to the courts when—if that would be done, the Department of Transportation look to the courts—merely puts a longer timeframe on safety problems that we should not allow to continue.

I think this legislation represents a reasonable and responsible approach. It does not challenge the new Federal truck size and weight standard. It does not return regulatory authority to the States. It does not provide for the granting of blanket exemptions. It does not impede interstate commerce. What it does is recognize what we all know to be true, that there is tremendous variation among segments on the Interstate System with respect to their age, design features, and traffic volume. When the local transportation officials, the ones who are on the scene and who are responsible for the highway network, when they feel that an interstate segment may be unsafe for the larger trucks, I believe we should provide a mechanism for carefully reviewing their concerns. We have done this for the Federal aid primary system, and I believe we should do no less for the Interstate System.

I would be happy to answer any question.

[The statement follows:]

STATEMENT OF HON. GERALDINE FERRARO, U.S. REPRESENTATIVE FROM NEW YORK

Mr. Chairman, I would like to thank you for allowing me to participate in the subcommittee's deliberations on the Tandem Truck Safety Act of 1984. I would also like to express my appreciation for the interest shown in this issue by Senator Packwood, with whom I have discussed my concerns.

Mr. Chairman, the Surface Transportation Assistance Act of 1982 is an enormously complex piece of legislation and I think many of us knew at the time of its enactment that we would have to come back and do some fine-tuning. That is why I welcome this hearing and the opportunity it gives us to correct a potentially serious safety problem posed by a provision of the Act.

I am referring specifically to section 411(c), which states that no State shall prohibit tandem trailers on any segment of Interstate and Defense Highways. While most of the 42,000 miles of Interstate highways are suitable for the longer, wider trucks permitted by the STAA, there are a number of segments that are not up to today's standards of highway design.

In my district in New York City, there are Interstates that have 10-foot wide traffic lanes, instead of the minimum lane width of 12 feet called for by current Interstate standards. We also have roads on the Interstate system that lack acceleration or deceleration lanes, that have substandard shoulders or no shoulders at all, and that have no truck climbing lanes on steep grades. I would also like to point out that problems of this kind are not unique to New York City: similar conditions exist on Interstate highway, in cities such as Boston and Philadelphia.

Notwithstanding this fact, under the present law States cannot prohibit tandem trucks on any segment even if local, State, and Federal officials all agree that their operation would constitute a possible safety hazard. The rigid, inflexible approach that the law provides for with respect to the Interstate system is in marked contrast to the more flexible, commonsense approach used in dealing with the Federal-aid Primary System. When the Federal Highway Administration and the States were discussing which roads on the primary system to open up to the larger trucks, they focused on safety considerations. These discussions led to the de-designation of a number of roads that had initially been included in the FHWA's network.

It seems to me only reasonable that the same safety-based considerations that have been applied in deciding whether to permit larger trucks on the primary system should be applied to segments on the Interstate system. That is what the bill before you would provide for, and that is why I first introduced this legislation in the House last year.

I must tell you that when we held hearings on this issue last year in the House, the problem addressed in the legislation was not well understood. Most people assumed that segments on the Interstate system are built to the highest design standards and can safely accommodate the larger trucks now permitted to operate nationwide. But as Senator Moynihan has already pointed out, there are a number of Interstates, especially in the Northeast, that are woefully inadequate by modern design standards.

We've made a lot of progress in the past nine months in making people more aware of the problem. I am gratified that the approach taken in S. 2217 and H.R. 3103 has been endorsed by the American Association of State Highway and Transportation Officials, the U.S. Conference of Mayors, the American Automobile Association, and the National Conference of State Legislators.

Mr. Chairman, I think this legislation represents a reasonable and responsible approach. It does not challenge the new Federal truck size and weight standard. It does not return regulatory authority to the States. It does not provide for the granting of blanket exemptions. It does not impede interstate commerce.

What it does is recognize what we all know to be true—that there is tremendous variation among segments on the Interstate system with respect to their age, design features, and traffic volume. When the local transportation officials—the ones who are on the scene and who are responsible for the highway network—when they feel that an Interstate segment may be unsafe for the larger trucks, I believe we should provide a mechanism for carefully reviewing their concerns. We have done this for the federal-aid primary system; we should do no less for the Interstate system.

Senator DANFORTH. Thank you very much. You have done very well.

Senator MOYNIHAN. Mr. Chairman, could I have one more point here?

Senator DANFORTH. Sure.

Senator MOYNIHAN. It is relevant to the area of the country most involved. The greatest portion of the present Interstate Highway System in New York State was built before there was a National Interstate Highway System. The man who inspired the New York system, a civil engineer, was named Bertram Tallamy. It was from his design that the National System proceeded. The design later was upgraded by Tallamy because he was asked by President

Eisenhower to come to Washington, after having built the New York system, to build the national system.

All over New England and the East there are portions of highway that were incorporated, into the Interstate System. These highways do not possess the adequate features to accommodate tandem trucks.

Senator DANFORTH. You say that right now there are tandem trucks that are operating on the Brooklyn-Queens Expressway?

Senator MOYNIHAN. Yes, sir.

Senator DANFORTH. And there is no way to keep them off?

Senator MOYNIHAN. No.

Senator DANFORTH. And we need the flexibility to get them off the Brooklyn-Queens Expressway and other similar stretches of highway?

Senator MOYNIHAN. We want to allow the Governors to submit a request for removal of segments from the tandem trailer network and allow Department of Transportation to make that determination.

Senator DANFORTH. All you have to tell me is that there are tandem trucks that are operating on the Brooklyn-Queens Expressway.

Senator MOYNIHAN. I understand perfectly.

Senator DANFORTH. Senator Lautenberg?

Senator LAUTENBERG. Yes. Thank you, Mr. Chairman, for the opportunity to participate with you today.

I welcome my distinguished colleagues, Mr. Moynihan and Representative Ferraro. Obviously, I have a particular concern, because the bill posed before us would provide possible exemptions to existing law that permits tandem trucks on the highways. I cannot help but be amused by the fact that trucks do operate on the Brooklyn-Queens Expressway. I thought nothing operated on the Brooklyn-Queens Expressway.

I was there a few days ago, and we were not operating. We were admiring the scenery. But Senator Moynihan, in introducing S. 2217, has raised a critical issue with Congresswoman Ferraro, and I agree with them, that certain roads in New York City, and true, throughout the country, just cannot accommodate the longer, wider trucks. We face a similar situation in New Jersey. Our problem concerns tandem trucks on at least one major primary route.

In fact, New Jersey and the Federal Highway Administration I think right now are negotiating on this issue. The question is whether tandem trailers should be permitted on Route 17, the north-south route.

Senator MOYNIHAN. Sure.

Senator LAUTENBERG. The Center for Auto Safety has called Route 17, and I quote here: "One of the 10 most dangerous roads in America," traveling through densely populated residential areas with traffic lights and quick stops and so forth.

The Governor of New Jersey, Governor Kean, opposes allowing tandems on that route, and I share his concern.

The bill before us today raises the possibility that traffic scheduled to cross over into New York to access the Northeast would directly affect Route 17. We are dealing with a network of regional roads, and if New York City is closed to tandem trailers entirely, it could result in diverting the north-south traffic, particularly to New Jersey roads, including Route 17. Certainly I want to work with my colleagues from New York in solving the large truck safety problem. But we are concerned, very much so, and I know that you will understand this, with solving New York's problem and the ones in New Jersey.

So I am pleased to be able to participate again this morning.

And Mr. Chairman, a couple questions.

Senator MOYNIHAN. Mr. Chairman, could I just make one interjection? You should know, as a trout fisherman, that Route 17 is the way you get to the Beaverkill. It is a very important road, and Senator Lautenberg is entirely correct in wanting to see the area remain livable.

Senator DANFORTH. As you explain it, it sounds critical to me.

Senator LAUTENBERG. I am afraid to date myself, but I was in New Jersey as a child. Route 17 was being built at the time, and we literally used to ride a horse on what was that brand new venture, and it was the most scenic, beautiful route, up through Bergen County and up into New York. And now more and more it resembles the Brooklyn-Queens Expressway.

I just wanted to ask a couple of questions here.

Would you object to language that addresses the potential spillover problem, so that action taken by New York City, if your bill goes further, might result in pressure to move tandems elsewhere?

Senator MOYNIHAN. No, sir, I would not. I think the issue of finding safe alternative routes when we close some sections is a necessary one. I would like to see the language written by the Department of Transportation before I make a decision, there must be alternate and safe routing systems designated at the same time that we close certain segmants. I cannot speak for Mrs. Ferraro.

Ms. FERRARO. Senator, I think what is very clear is that New York City would not on its own be allowed to exempt roads. What we would have to prove is that there is an absolute safety issue involved in this thing, safety factor, and that would be submitted to the Department of Transportation for review by DOT as to whether or not the segment is unsafe.

I in no way can see every single road in New York City closed off under this provision, under the bill that we have currently before us.

Let me suggest, however, that there are alternate means of dealing with the problem. You might not exempt an entire highway completely. You might restrict it for certain hours, and that authority could be given to the Department of Transportation which would not then, needless to say, force that traffic onto a neighboring State like New Jersey.

Let me suggest to you, I looked over the testimony that is going to be presented by Mr. Lamm this morning, and if there were to be language in the bill that would require an alternate means of transportation to be submitted at the same time, it seems that what you are doing is you are saying that safety and interstate commerce are on an equal basis, and I do not think that that is so. I think that the primary factor should be safety. I think that we should be fully aware of what the interstate commerce problems are, and I think you can deal with both. You do not necessarily have to have an interstate means or route. You might have an alternate set of hours or restrictions put on the transportation network that would provide for commerce at certain hours, and that might be equally good, if not better.

Senator LAUTENBERG. Yes. What I guess we would like to come away with is as much protection as possible. Perhaps in modifying the language, Senator Moynihan, as you suggest, we have something drawn up by the experts. But we certainly cannot just remain quiet, or suggest that we are not going to involve ourselves in this especially if the net result is that this traffic is going to wind up on Route 17. We just cannot handle it.

It is a national problem altogether, as the Senator well knows, and I think it is critical. I agree with you 100 percent because we have lots of roads that are just unsafe for this equipment. And again, as a representative of New Jersey, I want to make sure that language addressing this concern is not left out of this legislation.

Senator MOYNIHAN. I think you are right. I think you would find that situation in half a dozen neighboring States around the country. That is why this matter should be decided by the Department of Transportation.

Senator LAUTENBERG. Let me ask you this.

Do, for instance, I-495, I-95 or I-87, the Major Deegan Expressway in New York, does that route conform to the requirements of those highways?

Senator MOYNIHAN. Major Deegan does. The Major Deegan does, yes, sir.

Senator LAUTENBERG. OK. Because that, for us anyway, might be a way to deal with the problem.

Well, the one thing, Mr. Chairman, I think that is obvious, and that is that New York and New Jersey are concerned about the region, that we want to solve our problems jointly. We do not want to leave anything out of the formula that might protect the interests of both.

Thank you very much. Thank you.

Senator DANFORTH. Thank you both.

Senator MOYNIHAN. Thank you, Mr. Chairman, and we thank Senator Packwood for making this hearing possible. We appreciate it very much.

Ms. FERRARO. Mr. Chairman, I would like to offer the testimony that was given by Mr. Kiley before our House subcommittee. He was testifying on behalf of the American Trucking Association, and we have a copy of his testimony, and I would appreciate it if we could make it a part of the record.

Senator DANFORTH. It will be part of the record.[1]

Now we have Congresswoman Kennelly and Congressman Ratchford.

Would you like to go first, Congressman?

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[1] The material referred to has been retained in the committee files.

STATEMENT OF HON. WILLIAM R. RATCHFORD, U.S. REPRESENTATIVE FROM CONNECTICUT

Mr. RATCHFORD. Thank you very much for making this opportunity available to Congresswoman Kennelly and me. We both have a statement we would like to introduce into the record.

Let me say, so that I can identify for you my area. I represent western Connecticut. If you have ever driven into New England, you have probably come through my district, along Interstate 84 which goes up through Hartford or Interstate 91, which comes in through the lower part of the State, goes through New Haven. You cannot travel through Connecticut on the interstate without being aware of the problems that we face.

We are a small State. When I travel in the States like Montana or South Dakota or some of the distances in Texas and tell my fellow Members that you can drive across the State in 90 minutes, they find it incredible.

We are a densely populated State. We have 3.3 million people living in that very compact area, and virtually all of them are impacted by opening up the interstates fully to tandems.

I happen to think that if this occurs, we simply have a disaster which is waiting to happen, a tragedy which is waiting to occur. You know, Connecticut took a very strong position against the tandems. In fact, our State legislature, with the full backing of Governor Bill O'Neill, passed the statute that banned tandems on the interstates, but the Supreme Court said under the interstate commerce clause that we cannot do this.

But as a result of this drawing of the line, we did have major concessions made by the Federal highway people, and they withdrew 200 miles of primary roads. So we have accomplished that, but left unresolved is the whole question of the Interstate System.

Some of the interstates frankly are like being on an urban street in the center of a most densely populated city, except the road is designated not a local street; it is designated an interstate highway. Currently there is no mechanism in place for doing anything about it. On the House side, I sit on the Transportation Subcommittee on Appropriations. Shortly after Secretary Dole came on the job in 1983, we raised the tandem question with her. She expressed concern, she was aware of the diversity of the country, and she said she would review it and see if she could do something about it.

When she came back before our committee 1 month ago and was asked the same question, she said, frankly, under the current law, she has no authority to grant exemption even if she wanted to.

So the position of the Department presently is even if they are sensitive to the problems of New York, of New Jersey, of Connecticut, of the urban areas of the United States, they are not in a position legally to do anything about it.

What we propose to do is provide that mechanism, and obviously there is a reason for doing so. We all know that the National Academy of Science currently is reviewing the issue, but there are a couple of studies that point to the fact that tandem trailers are more dangerous. For example, the Insurance Institute for Highway Safety in reviewing the situation said the so-called tandem trailers are significantly more dangerous than the normal tractor trailer.

In 1981 when the National Highway Traffic Safety Administration looked at the issue, they found that both in the case of fatality and injury rates for 1,000 miles of intercity travel, that there was a substantially higher rate in fatality for tandem trailers. I do not think we can leave the situation in its current status because that is a situation waiting for tragedy, and that tragedy will cause the people of the country to say, "why did Congress not do something about it?"

I hope we will not wait for that type of a dramatic occurrence where there was a multiple fatality somewhere in an urban area of the United States to cause the people to rebel and to be revulsed by the situation and say, we simply want action, and that action must be to come up with mechanisms on a case-by-case basis for deciding whether or not there is a means of getting the tandems off the highway.

The proposal offered by Senator Moynihan, offered by Congresswoman Ferraro, and Congresswoman Kennelly and myself is a simple one: Give to the Federal Department of Transportation the authority to review upon the petition of a Governor, or I am not adverse to allowing the Department to do it unilaterally, but give them authority to grant exemptions. Let them look at the area. Let them look at the safety features of a highway. Let them look at the age of the highway. Let them look at the travel on that particular road and make a judgment.

Should tandems be allowed to roll through that particular area? To their credit, the trucking industry thus far in Connecticut has been very responsible. They have not pressed the point; but the reality is any day we are going to be waking up to find they are pressing the point. There will be a major incident, and we will be back before you.

How much better if working together with Members of the House and the Senate we could head off that tragedy and come up with a system that does provide for an exemption mechanism and look at the situation on a case-by-case basis so that we could head off that tragedy?

Thank you.

Senator **DANFORTH**. Thank you.

Mrs. Kennelly.

STATEMENT OF HON. BARBARA B. KENNELLY, U.S. REPRESENTATIVE FROM CONNECTICUT

Mrs. **KENNELLY**. Let me thank you for holding this hearing. I join with Congressman Ratchford in having a statement that I would like placed in the record.

I just want to echo the sentiments of Senator Moynihan Congresswoman Ferraro and Congressman Ratchford on this issue. As you know, Connecticut has been one of the most vociferous States concerning section 411 in the Surface Transportation Act. We had legislation prohibition tandems go through our State legislature, and we of course were brought to court. We were very aware, I think, Congressman Ratchford and I, that we had no chance of winning that court case.

While it was clear that Federal supersedes State law. The case did highlight why there was so much concern in the State of Connecticut about this particular section of this bill, which otherwise had so many good parts.

We all have our own situations, like the Brooklyn situation, Route 278. I was a councilwoman in the city of Hartford for a number of years and I know well right in Hartford, the heart of Hartford, the I-91, I-84 interchange. Unfortunately, Senator Lautenberg, it has the same notoriety of being one of the 10 worst intersections in the United States. Just the thought of a tandem going around that interstate exchange is frightening. In fact, I just do not think it is possible for trucks of this nature to be driven on this particular interchange.

We have taken the initiative to get things done in the State. We are not just coming here saying do something because we have unsafe highways. Our Governor in his budget message for this year, devoted the main thrust of that message to transportation repair. The new moneys that we have are certainly not much, in relation to the need that exists like any State, but the new moneys are going to make a difference to transportation. We had the very tragic situation of the Mianus River Bridge in Connecticut that gives an indication of why we are here. Our roads are old. Our bridges are old. We are trying to do what we can for ourselves and are doing a lot for ourselves, but we have to come to you today because it is clear there is no flexibiliity in the law—and this bill will remedy that problem.

Secretary Dole told us that there is no place in the law for her to help us unless the law is changed.

We have tried the courts and tried the Department of Transportation, and been rejected, so here we are today urging passage of the Moynihan-Ferraro suggestion. We feel it is necessary for our roads and for the people in our State. We thank you for helping us because we have come to the end of the road as far as what we need to do to solve this situation.

Tandem trucks may work beautifully on roads built for them. Our roads were not built for them, and we need some relief to keep them off unsuitable highways.

Thank you.

Senator DANFORTH. What is the status of the bill now?

Mrs. KENNELLY. Well, because of the court case that Senator Moynihan made mention of, it has no status. It is solely——

Mr. RATCHFORD. There was an attempt earlier in the year by Congresswoman Ferraro to attach the exemption to the transportation bill, ended up in deadlock in conference, and at this point it is nowhere. It passed the House as part of one of the transportation bills that went into conference, and at this point it is not out of there before us.

Mrs. KENNELLY. And the judge threw out the State law.

Senator DANFORTH: I understand that, but I mean is there a companion bill to this one?

Mr. RATCHFORD. Yes, pending before Congressman Howard's Public Works Committee.

Senator DANFORTH. Is it controversial in the House?

Mr. Ratchford. We frankly do not know. We tend to hear from our supporters rather than those that have a contrary point of view.

Senator Danforth. Senator Lautenberg?

Senator Lautenberg: Thank you, Mr. Chairman.

Just let me say that the testimony of the two Congresspeople here is very eloquent. When I hear the description of Connecticut, which I know very well, of course, it is not unlike New Jersey. New Jersey has all of the problems, only more so. It is densely populated, the most densely populated State in the Union. Each represents small States, and we are concerned. I think that is the issue.

Senator Danforth. Thank you for your comments and good testimony, and hopefully we can work together to get this done.

Mr. Ratchford. Thank you.

Mrs. Kennelly. Thank you.

[The statement follows:]

JOINT STATEMENT OF HON. WILLIAM R. RATCHFORD AND HON. BARBARA B. KENNELLY, U.S. REPRESENTATIVES FROM CONNECTICUT

Mr. Chairman and members of the subcommittee, we appreciate the opportunity to appear here today to comment on an issue that the State of Connecticut has faced with tremendous concern over the last year.

Connecticut has been most vociferous among the 50 States in protesting the provisions in section 411 of the Surface Transportation Assistance Act which allowed for twin-trailer or tandem trucks to operate in the State for the first time.

While the State's actions in the legislature and the Federal courts have been labelled "mischief" by the columnist George Will, they are based on very real concerns.

The Supreme Court recently struck down Connecticut's law—passed in response to section 411 of the STAA—which outlawed tandems from any highway in the State, including interstates.

The court's reasoning was clear: Federal law, namely, STAA, superseded Connecticut's statute.

That the court decided the case solely on this one issue and did not entertain other concerns such as safety does ont indicate faulty reasoning by the court but rather an inflexible, short-sighted provision in a comprehensive legislative package that is now public law.

In other words, we understand the court's logic, but we think a problem remains with these trucks, and that this problem should be addressed by changing the law.

As the subcommittee knows, the National Academy of Sciences is conducting a study on tandem truck issues, including safety, roadwear, and design limitation problems. While this study will not be completed for nearly a year, there is already a substantial body of evidence that indicates tandem trucks pose a safety hazard to the driving public.

For example, a widely-cited study published by the Insurance Institute for Highway Safety noted that so-called "western doubles" tandem trucks have significantly higher crash rates than single trailer trucks on urban and rural highways alike. An analysis of accident fatality statistics compiled by the National Highway Traffic Safety Administration in 1981 concluded that both fatality and injury rates per 100 million miles of intercity travel are substantially higher for tandem trucks than for singles.

Consequently, the Insurance Institute for Highway Safety has concluded, "While researchers have had difficulty in precisely quantifying the influence of truck size and weight on crash involvement, there is evidence that the new legislation (STAA) will almost certainly increase the magnitude of the truck crash problem."

We would suppose there are many interstate segments around the country that are capable of accommodating twin-trailer trucks without seriously imperiling public safety, and it makes sense to allow use of such trucks in these instances.

In other areas, however, especially in the urban Northeast, there is a clear need for more flexibility in determining where tandems should and should not be allowed to operate.

Consider our own state of Connecticut, one of the most densely populated states in the Nation with some of the oldest most heavily traveled segments of the interstate network.

One of us has the privilege of representing the city of Hartford, where the intersection of Interstates 84 and 91 along with other local traffic combines to create one of the ten worst highway interchanges in America.

We also represent a state with an aging segment of Interstate 95, which was not even built to interstate highway standards in the first place. There are substantial design and traffic volume considerations that in our view and in the opinion of others as well made a strong case against allowing tandums on this particular interstate segment.

This particular situation is somewhat akin to the problem faces by New York City and other Northeastern population centers. In Connecticut, Interstate 95 runs right through the heavily populated cities of Stanford, Norwalk, Bridgeport, and New Haven. The consequent heavy traffic volume as well as limitations in the initial design of the highway and its current condition make for an already-dangerous situation. Permitting tandem trucks here only makes a bad situation much worse.

Unfortunately, short of changing the law, there is little that can be done about this situation. Transportation Secretary Dole testified before the House Transportation Appropriations Subcommittee earlier this year that there simply is no room in the law for a state to seek an exemption from the Department of Transportation from the tandem truck requirement.

Thus, we appear today in support of a legislative remedy to this serious problem. We have introduced legislation, H.R. 4953, creating an exemption mechanism from the tandem requirement, if a state can successfully present a case to the Department of Transportation for such an exemption.

We are also aware of the efforts of Congresswoman Ferraro and Senator Moynihan to push similar legislation. In fact, we are both cosponsors of H.R. 2530. Our goal is to see one of these bills passed, to ensure that there is some means by which the federal government can consider safety, design, and road-wear considerations when determining which interstate segments should and should not be required to accommodate tandem trailer trucks.

All interstates are not alike, Mr. Chairman. The problem we present to you today is largely one that is prevalent in the Northeastern United States, yet it affects segments of our highways everywhere and we believe it is a problem that demands prompt action by Congress. We support the positions taken by the National Council of State Legislatures, the Policy Committee of the American Association of State Highway and Transportation Officials, and others who believe that changes in the law are necessary and appropriate to exempt particular segments of the Interstate Highway Stystem from the tandem truck requirement.

Again, we thank the subcommittee for providing us with this opportunity to testify and ask that you consider our views on this very important matter.

Senator **Danforth**. Thank you very much.

Next we have Mr. Philip W. Haseltine, Deputy Assistant Secretary for Policy and International Affairs, of the Department of Transportation.

STATEMENT OF PHILIP W. HASELTINE, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY LESTER P. LAMM, DEPUTY ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION

Mr. **Haseltine**. Thank you, Mr. Chairman. We appreciate the opportunity to appear before your Subcommittee on Surface Transportation to discuss Senator Moynihan's bill and answer your questions. With me to help answer your questions is Deputy Federal Highway Administrator Lester P. Lamm.

Mr. Chairman, I have a statement which I have previously submitted to the committee for the record; in the interest of time, I would like to paraphrase that statement.

Aside from some technical concerns which I will discuss in further detail in a moment, we support the concept of Senator Moynihan's bill, S. 2217. We believe that the bill will help clarify the intent of Congress.

I would also like to note the support and consideration the Congress has given to this issue over the last year, particularly the support of your subcommittee staff. We have been working with the committee staff, and Senator Moynihan's staff, and with their continuing support, we hope to have a final national network in place very shortly. This bill will provide additional opportunities to insure safety on America's highways.

Prior to passage of the Surface Transportation Assistance Act, many States had imposed a variety of restrictions on the operation of truck traffic on interstate highways within their jurisdictions. Many of these restrictions served and continue to serve legitimate safety or traffic operations purposes. It is our belief that Congress did not intend to preclude the States from continuing to impose these restrictions with the passage of the STAA. We reached this conclusion based upon a review of the terms of the statute, the purposes of the STAA, and the prior practice of the States.

The terms of the statute bar the prohibition of certain trucks but do not refer to restrictions. Therefore, we determined that in the absence of statutory constraints and based upon the successful practice that many States had already experienced, it was well within the Secretary's authority in implementing the law to recognize the restrictions process as an appropriate practice.

We believe our restrictions process can address most problems that might exist with respect to the operation of the larger vehicles on interstate highways, lane restrictions, peak hour restrictions, and circumferential beltway restrictions were suggested as reasonable restrictions in our notice of proposed rulemaking and were designed to accommodate the special geometric design or traffic operations problems that affect many of our interstate routes, particularly those located in urbanized areas.

However, while we are dedicated to making the process work and believe it can work, legislation such as S. 2217 would make our job easier.

We would like to offer the following comments on the bill. We feel that the consideration of alternate routings prescribed in section 411(i)(3) should be a required part of the decision process prescribed in section 411(i)(2). Therefore, section 411(i)(1) should be modified to provide that alternate routing suggestions should accompany a Governor's request to the Secretary. The Secretary, while not required to find an alternative route, should consider potential alternative routings in determining whether to grant an exemption.

Senator DANFORTH. Why do you have to have all that stuff? It seems this is discretionary with the Secretary. All the bill would do is empower the Secretary to keep trucks off the stretch of highway. Why have a lengthy procedure? Why not keep the bill as simple as possible?

Mr. LAMM. The Administrative Procedures Act has to be followed, Mr. Chairman, and that requires a lengthy process, certainly lengthier than 45 days. We have been working with the staffs of

Senator Moynihan and Congresswoman Ferraro on the bill, and one of the features with which we have a problem is being able to produce designations of truck networks since the STAA was passed. We do not feel we can get it done in 45 days.

Concerning the principle of alternate routes, several of the previous witnesses emphasized they do not want to have traffic removed from a route with no way to carry it on an alternate route.

From our point of view——

Senator DANFORTH. Certainly, but I mean that is built-in discretion. Why do we have to spell out in the bill exactly how your discretion is used? Is that not an administrative type of procedure?

Mr. LAMM. I do not think we have any problem with our own discretion being spelled out. What we would like to have spelled out, though, is the role of the State Governor.

Senator DANFORTH. How about just simply making a recommendation? Why have the Governor do anything more than just say, look, we do not want tandem trucks on such and such a section of route so and so? Please change that.

Mr. LAMM. The way we have been working it out on an unofficial basis with the individual States is to have the States tell us what alternate routing can handle traffic. In each case there is some legitimate economic activity destined for that part of the State.

Senator DANFORTH. Undoubtedly, it is all a discretionary matter. I do not understand why there is any question as to the terms of the bill.

Mr. LAMM. The only point I am making on the alternates is we do not want to have the role of developing alternates. We think it is a much better process if the State proposes to delete a certain route and then provides an alternate.

Senator DANFORTH. Can you not just get on the telephone? I am serious. Why do we need a convoluted system of input and advice and statements of alternate routes? Why can not the Governor just get on the phone and say, change this? Or write a letter or a postcard or whatever.

Mr. LAMM. I do not believe what we are doing involves a convoluted process. What we feel, though, is it should not be only a Federal responsibility to develop an alternate routing of the desired activity.

Senator DANFORTH. Go ahead.

Mr. HASELTINE. Thank you, Mr. Chairman.

There are a couple of other items that we would like to see in the bill. We believe that the Secretary should be permitted to authorize exemptions on her own initiative, as Senator Moynihan has suggested, should the need arise. We also see no reason for treating safety problems related to truck length and configuration any differently than those from truck width, and we believe that the bill should authorize the exemption of certain interstate highways with the width requirement of section 416 of the STAA. That section requires that 102 inch trucks be permitted on the entire Interstate System.

Senator DANFORTH. So you think that it just should be broad—length, and width, both?

Mr. HASELTINE. There may be segments of interstate that have problems with the 102-inch truck width, as we do with the length. We ought to be able to address width safety issues as well.

Senator DANFORTH. Is there any controversy on that?

Mr. LAMM. Not from our point of view within the administration. I cannot certainly answer for some of our following panelists.

Mr. HASELTINE. Among the technical amendments that we would like to offer, as Mr. Lamm mentioned, the 45-day turnaround time is tight. We also suggest the title of the bill might be changed to the "Truck Size Amendments of 1984," since the exemptions in the process drafted will apply to single trailers as well as tandem trailer trucks.

Senator DANFORTH. Your basic view is that it is not the tandem necessarily that is the problem. It is the length; it is the width; it is anything to do with truck size?

Mr. HASELTINE. That is correct, sir.

Finally, there are references to titles that are numbered differently in the Senate bill and the House bill. The staff needs to clear those up. The department supports these amendments, Mr. Chairman, and recommends them to you.

As I indicated previously, we have been working with your staff, with Senator Moynihan's and Representative Ferraro's staffs, and we believe that this in essence is a helpful bill, and we do support it, Mr. Lamm and I will be happy to answer any further questions.

Senator DANFORTH. Senator Lautenberg.

Senator LAUTENBERG. Thank you, Mr. Chairman.

Mr. Haseltine, do you know—you have been sitting here. So, therefore, you know what my concerns are. I do favor legislation. I think that we are quite in accord on the kind of thing that we ought to be trying to do in terms of allowing the exemption, However, I am especially concerned that, as a U.S. Senator from New Jersey, we do not wind up with a spillover problem resulting in the elimination of access through New York City.

Do you know what the current status is, either one of you, on your negotiations with the State of New Jersey regarding Route 17?

Mr. LAMM. Yes, sir, those negotiations are still in progress. We are working with the State DOT staff. We have no determination at present.

Senator LAUTENBERG. OK. So then something again dealing with alternates has to certainly be discovered in order not to obstruct that traffic?

Mr. LAMM. In the case of Route 17, Senator, we have that opportunity anyhow. That is a primary highway rather than an interstate highway. We would not have to wait for passage of this legislation to reach agreement on that.

Senator LAUTENBERG. I understand.

Again, as I said earlier, I just do not want by some freak of omission, to find out there is no place to go except on Route 17, and that this legislation does not require that it be designated as an acceptable route for the large trucks.

Mr. LAMM. I understand perfectly what you are saying. In your situation, the situation of the three States we have talked about this morning, being in such close proximity, really points out why we think the States involved would like to delete some of the interstate routes. You need to be able to tell us where the alernate routings should be because we had indications that there is a very heavy desired movement of cargo into and through New York City. I think we will penalize the truckers that are in and around the New York metropolitan region if we have no opportunity at all to move with the efficient vehicles.

Senator LAUTENBERG. OK.

Now, you do see the potential problem, the spillover, however?

Mr. LAMM. Yes, sir, absolutely.

Senator LAUTENBERG. OK.

Should we in this legislation specify—I think you said it once before, but I want to be clear on this—that the Federal Highway Administration and the city, for instance, work out alternates, or the least objectionable routes for this eventuality?

Mr. LAMM. We have testified we think that would be helpful, Senator. Rather than just telling the trucking community you cannot use one particular route, I think it is incumbent upon all of us as public officials to tell the community where the vehicles can go.

Senator LAUTENBERG. Your comments about settling these matters regionally are very important. It seems that we are all on the same side.

Thank you very much.

Mr. HASELTINE. Thank you, Mr. Chairman.

[The statement follows:]

STATEMENT OF PHILIP W. HASELTINE, DEPUTY ASSISTANT SECRETARY FOR POLICY AND INTERNATIONAL AFFAIRS, DOT

Mr. Chairman, thank you for this opportunity to appear before the Subcommittee on Surface Transportation to discuss Senator Moynihan's bill, S. 2217, entitled "The Tandem Truck Safety Act of 1984." With me today to help answer your questions is Deputy Federal Highway Administrator Lester P. Lamm.

S. 2217 would amend the Surface Transportation Assistance Act of 1982 (STAA) to provide the Secretary with the authority to exempt segments of the Interstate System from the STAA's limitation on State regulation of the tandem configurations and vehicle lengths authorized under section 411 of the Act. The bill would establish a mechanism by which the Governor of a State, after consultation with local government officials, could request that the Secretary exempt certain Interstate segments on the basis of safety considerations. These requests would have to be supported by evidence documenting the reasons why the Governor believes a certain segment is not capable of safely accommodating the vehicle combinations or lengths established in the STAA. The Secretary would be required to make a determination whether to grant the exemption within 45 days of receipt of the information submitted by the Governor. The bill also requires that any exemption determination would be published as part of the final rules required under subsection (e) of section 411 of the STAA. Finally, the bill would require that the Secretary consult with affected units of local governments to determine alternative routes after any particular exemption determination has been made.

Mr. Chairman, aside from some technical concerns, which I will discuss in further detail, we support the concept of S. 2217. I would also like to note at this point, that we appreciate the support and consideration that Congress has given to this issue over the last year. With your continuing support we hope to have a final national network in place very shortly.

Before I discuss our comments on the bill I would like to provide you with some background information concerning our implementation of the STAA. We have been engaged in the designation process mandated by Section 411(e) of the STAA for over a year. The proposed final National Network designations were published in the Federal Register on September 14, 1983, and we hope to issue a final rule in the near future. The "National Network" is defined in the proposed rule as the entire interstate System and certain designated Primary system highways. This network definition was based upon the clear terms of the STAA, that no State be allowed to prohibit the vehicle configurations or length limits established in the Act "on any segment of the National System of Interstate and Defense highways and those classes of qualifying Federal-aid Primary System highways as designated by the Secretary . . . ." Thus, from the very beginning we did not consider whether particular Interstate highways should be included in the network because Congress had already, by statute, designated the entire Interstate System for operation by the vehicles authorized under the STAA.

As I already indicated, when we set out to designate a National network for operation by these larger vehicles, inclusions of the entire Interstate System was a given. However, we also determined at the outset that under certain circumstances, and subject to FHWA approval, reasonable restrictions could be imposed upon the operation of these vehicles on all highways on the network, including Interstate routes. Apparently, our treatment of reasonable restrictions in our April 5 Policy Statement and later in the September notice of proposed rulemaking has caused some confusion. I would like to discuss our reasons for recognizing the States' authority to impose reasonable restrictions.

Prior to STAA passage, many States had imposed a variety of restrictions on the operation of truck traffic on Interstate highways within their jurisdictions. Many of these restrictions served and continue to serve legitimate safety or traffic operations purposes. It is our belief that Congress did not intend to preclude the States from continuing to impose these restrictions with the passage of the STAA. We came to this conclusion based upon a review of the terms of the statute, the purposes of the STAA, and the prior practice of the States. The terms of the statute bar the "prohibition" of certain trucks but do not refer to restrictions. Therefore, we determined that, absent statutory constraints, and based upon the successful practice that many States had already experienced, it was well within the Secretary's authority in implementing the law to recognize the restrictions process as an appropriate practice.

We believe our restrictions process can address most problems that might exist with respect to the operation of the larger vehicles on Interstate highways. Lane restrictions, peak hour restrictions, and circumferential beltway restrictions were suggested as reasonable restrictions in our notice of proposed rulemaking and were designed to accommodate the special geometric, design, or traffic operations problems that affect many of our Interstate routes, particularly those located in urbanized areas. However, while we are dedicated to making the process work and believe it can work, legislation such as S. 2217 would make our job easier.

We would like to offer the following comments on the bill. We feel that the consideration of alternate routings prescribed in section 441(i)(3) should be a required part of the decision process prescribed in section 441(i)(2). Therefore, section 441(i)(1) should be modified to provide that alternate routing suggestions should accompany a Governor's request to the Secretary. The Secretary, while not required to find an alternative route, should consider potential alternative routings in determining whether to grant an exemption. These considerations are important in order to preserve the intent of the STAA that the larger trucks authorized by the Act are not unduly limited from serving the needs of interstate commerce.

The bill should also be revised to permit the Secretary to authorize exemptions on her own initiative should the need arise. In addition, the bill should authorize exemption of certain Interstate highways from the width requirements in section 416 of the STAA. This section requires that 102-inch wide trucks be permitted on the entire Interstate System. We see no reason for treating safety problems related to truck length and configuration any differently than those related to truck width.

Finally, we would like to offer several technical comments. First, as a practical matter, the length of time in which the Secretary must make a final determination whether or not to exempt a segment of the Interstate System should be increased. We recognize the need to process state requests as expeditiously as possible, but a 45-day turnaround time would be next to impossible to meet in light of the rulemaking requirements of the Administrative Procedure Act. Accordingly, we recommend that a longer period of time be permitted for these determinations. Second, we suggest that the title of the bill be changed to "The Truck Size Amendments of 1984". Since the exemptions process as drafted would apply to single-trailer as well as tandem-trailer trucks, we believe our suggested title would provide a more appropriate description of the bill. Finally, all references to section 441 of the STAA should be revised to refer to section 411, which is the correct citation.

Mr. Lamm and I would be pleased to answer any questions you or other members of the Subcommittee may have.

[The following information was subsequently received for the record:]

QUESTIONS OF THE MINORITY AND THE ANSWERS THERETO

Question 1. Last year, in a letter sent by Administrator Barnhart to the House Committee on Public Works and Transportation, he stated that "we believe that the FHWA has the adminsitrative authority, without further legislation, to allow the police power of State and autonomous local jurisdictions to provide for necessary safety restrictions on Interstate System Usage." Your testimony today continues that same line of reasoning. How can DOT continue to interpret the law in this manner after the recent Supreme Court decision overturning the ban imposed by Connecticut on tandem trailer operations?

Answer. The State of Connecticut was attempting to ban tandem trailers from all highways, including the Interstate System, in total defiance of the 1982 STAA. The Supreme Court upheld the provisions of the Act requiring the Interstate System and those primary highways designated by FHWA to be made available by tandem trucks. The court did not hold that the States are precluded from imposing federally approved restrictions of large operations.

Question 2. In your comments on S. 2217, you ask the Committee to consider giving the Secretary authority to propose tandem trailer exemptions on her own. Why would the Secretary wish to intercede to limit tandem trailer operations when a particular State found it either unnecessary or undesirable to do so on its own? Secondly, if DOT truly believes it has authority to limit unsafe truck operations without legislation, why would such statutory authority be necessary?

Answer. Situations could arise where information provided from sources other than a State justifies an immediate exemption, and the Secretary might wish to act on her own. With respect to the question of need for legislation, we would again cite the distinction between restrictions and exemptions. We believe the Secretary has the authority to recognize restrictions on the national network. Our regulations provide a framework for recognizing restrictions. The proposed legislation would go beyond restrictions and grant the Secretary clear authority to exempt (or remove) an Interstate System segment from the national truck network.

Question 3. Several of the witnesses on S. 2217 requested that the Committee consider specifying criteria to be used by the Department in making its safety determinations. In your opinion, what are the best design and engineering criteria to be used in such cases?

Answer. There is no single set of design or engineering criteria which completely covers safety determinations. In general, however, we would look at lane width, interchange spacing, grades, curvature, and availability and lengths of acceleration and deceleration lanes as typical design and engineering criteria. In addition, we would want to know about volume of truck and other vehicle traffic during the various periods of the day, as well as the specific safety experience for trucks and other vehicles, and the availability of alternate routes. While there are recommended AASHTO standards for geometric features, these standards vary according to terrain, climate, traffic volumes, mixture of vehicles, and other considerations. Moreover, in view of the fact that safety studies have generally found that the larger vehicles authorized by the STAA can operate at least as safely as the large trucks presently authorized by most States on all their roads, we would focus our analysis on the factors, if any, that would make a particular highway segment less safe for the STAA trucks than for conventionally sized vehicles.

Question 4. Other witnesses focused on the need for public comment on whether any prohibition of tandem trailer operations should be imposed. What is the Department's position with respect to subjecting a state's request to rulemaking procedures, such as soliciting comments on the restricted routes and the proposed alternative routes?

Answer. We feel that this is the only realistic approach. As the hearing so clearly brought out, adjacent States, trucking companies, and shippers all have a stake in the routing determination and all should be offered an opportunity to comment. We have been through an extensive regulatory process in designating the interim and final networks and we feel that the process demonstrates the values of comments from both public and private bodies. Consideration of scheduling, needs of shippers and trucking firms, knowledge of local roads, and the views of multiple State agencies were brought to light and addressed during the process and we would continue to solicit these opinions and considerations to provide a broad and comprehensive airing of all issues before rendering a final decision.

Question 5. Your testimony also states that "the Secretary should not be required to find an alternative route." If the Committee were to accept this provision in its consideration of S. 2217, how could we be sure there would not be an undue burden on the trucking industry in its movement of interstate commerce?

Answer. My testimony was that "section 411(e)(1) should be modified to provide that alternative routing suggestions should accompany a governor's request to the Secretary. The Secretary, while not required to find an alternative route, should consider potential alternative routings in determining whether to grant an exemption."

The reason for the modification is to ensure that the Secretary receives the best possible advice from the Governor before the exemption is granted. The Secretary should consider alternative routes, but if there is a truly significant safety hazard, she should be able to grant the exemption even if there is no alternative. The burden on interstate commerce would not be "undue" if the exemption were justified by safety considerations.

Question 6. Please provide for the record summary information on the extent to which Interstate highways have been constructed with lanes less than 12 feet wide.

Answer. We estimate that 67 miles of Interstate highways in 16 States, in segments varying from 1 to 10 miles in length, have less than 12-foot lanes. Most of these segments fall into two categories: (1) highway segments, for example toll tunnels, that were built before the Interstate program and were subsequently incorporated into the System, and (2) highway segments that were restriped to gain another lane where increased capacity was a critical need.

Question 7. What is the Department's position with respect to legislation to increase the access of a tractor and single 28-foot trailer to "points of loading and unloading?"

Answer. This issue is related to the "reasonable access" provisions of the 1982 STAA. We are looking to the States to undertake initial implementation of a reasonable access policy, and we propose to intervene only if problems arise. Section 413 provides the Secretary with sufficient enforcement authority to ensure that the States provide adequate access to and from the designated system. Also, if it appears that the States are not implementing adequate access policies, FHWA could prescribe more prescriptive access standards through rulemaking.

Senator DANFORTH. Thank you, gentlemen.

Next we have a panel of Anthony R. Ameruso, New York City Department of Transportation; Francis B. Francois, executive director, American Association of State Highway and Transportation Officials; and Charles E. DeWitt, Jr., Assistant Secretary of Transportation and Construction, Massachusetts Department of Transportation.

Mr. Ameruso, please.

STATEMENTS OF ANTHONY R. AMERUSO, P.E., COMMISSIONER, NEW YORK CITY DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE U.S. CONFERENCE OF MAYORS; FRANCIS B. FRANCOIS, EXECUTIVE DIRECTOR, AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS; AND CHARLES E. DeWITT, JR., ASSISTANT SECRETARY OF TRANSPORTATION AND CONSTRUCTION, MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Mr. AMERUSO. Good morning, Mr. Chairman.

We want to thank this committee for New York City to express its concerns about the operation of tandem trucks through the city and the STA Act of 1982, as well as the legislation that is being considered at this forum.

I want to stress that I am also representing the U.S. Conference of Mayors in regard to the urbanized areas of the United States, as to concerns also of the length of this kind of trucks. I think Senator Moynihan and Congresswoman Ferraro touched upon very important points that I would like to take a moment to reemphasize, and that is the fact that when the act was constructed, the 1982 act, the mere designation of an interstate road that had a number did not really take into account whether that road could really safely accommodate the types of vehicles that we are talking about here today.

That process was in the lowest grade of primary system, and not for the Interstate System. That is one of the main points to be taken. New York City and the metropolitan region I believe experiences the highest volumes of traffic on their major arterial roads probably in the United States, and in New Jersey also, given the type of access through that area and the importance of that hub as access to Long Island and to Boston and New England States.

So we are fully aware of our responsibility to act reasonably in looking at what segments are appropriate and which ones are not.

I want to stress that New York State in 1981 passed a law allowing tandem trucks. In that particular law, safety was a big factor and taken into account as to operation of the New York City and Long Island. So we took a very positive track in allowing tandem trucks on many, many miles upstate, outside New York City and outside Long Island.

What those trucks do now is break down at depots in Westchester County and then come into New York City where our length is allowed at 55 feet.

So I think that we acted in a reasonable manner and did not sue the Federal Government. We tried to negotiate this problem out, presented our viewpoints, and looked at the many factors that relate to operation.

Senator Moynihan has mentioned the I-278 case which very few trailers are operating there, which they realize that the truckers and the association have come to us in this interim period stressing safety of their drivers and their vehicles as it relates to themselves and other vehicles operating on those particular routes.

I think that the geometrics of these various routes are very critical to when they can operate. When the Interstate System was formed by Congress in 1965, about 4,000 miles of the 43,000 mile system was accepted for continuity purposes. So therefore, the standards that we would build to today are not necessarily the standards that were built then. What was best then was utilized then. Things were built through rsidential neighborhoods and commercial neighborhoods, avoiding property taking, so shoulders were not built. Acceleration and deceleration lanes perhaps were not built, and we have pictures today that I want to show you that relate to some of the problems of interchanges, tight turns, acceleration, no shoulders. You can see the types of properties that this particular road snakes through.

Congresswoman Ferraro said it is part of her district. There are areas where there are no acceleration lanes, or the interchanges are so tight or close together that a truck of this length, up to 75, 80 feet, would not have the window, meaning the ability to negotiate between other vehicles, and have that gap necessary to make that maneuver safely. That does not mean it cannot be made safely other times of the day, but during the rush hours and the hours of high volumes of traffic, when the traffic is a mixed situation, it becomes very, very difficult.

I think the picture speaks for itself. Look at the interchange points. See what was mentioned about Hartford and the ability of a driver to negotiate this area, get on or get off safely might be directly impaired, increasing the accident rate and increasing the potential of accidents.

I have with me today Deputy Commissioner Samuel Schwartz of Traffic Operations for the Department of Transportation. I would like him to show you some of the photographs of recent accidents, some of the statistics relating to traffic flow, and some of the things we believe impact on the decision whether sections of the interstates should be exempted or not exempt.

Mr. SCHWARTZ. Thank you, Mr. Chairman. I believe packets have been handed out which include some of the photographs shown here. We just have a few that we would like to highlight.

This is the Brooklyn-Queens Expressway, which you are familiar with; and this just simply shows one of many entrance roadways to the Brooklyn-Queens Expressway, with no access lane. This is a stop sign, which you will not find on most interstate highways through the country, and this is an upgrade, and here is a tractor trailer as a car tries to maneuver into the roadway.

Simply, once again on the Brooklyn-Queens Expressway, and on a number of other interstates within New York City and in the Northeast. We have a horizontal curve with a structure. There is no visibility, and some of these vehicles require several hundred feet to stop. You can see the visibility here is less than a hundred feet. Should there be a vehicle stopped on the roadway, a disabled vehicle, you will notice there are no shoulders, so there would be a serious situation.

Not only that, but it is important to consider time of day in terms of deciding. It is not only important to decide on the routes, but the time of day, and we have a distribution of the vehicles, large vehicles, that are now allowed on New York City's roads and their accident history, and it shows an increasing accident history highest during the 12 to 3 p.m. period.

So it is not only important to consider roads but the time of day, which I believe this——

Mr. AMERUSO. Just hold that up. See the jacknife as indicated by the blue? One jacknifed trailer sometimes going off on the BQE or the ILE could hold up traffic for 3 or 4 hours and holding up the other vehicles that are trying to negotiate and have their commerce taken care of and making their deliveries. So the whole balance of roadway balance is critical to those segments that might be selected to the overall traffic operating within the system.

Mr. SCHWARTZ. While the word accident implies that it happens occasionally, in New York we had 311 accidents last year, meaning every single day we have a large vehicle accident will occur with some frequency, and we could be certain with a higher frequency with larger vehicles.

This just shows you two accidents that occurred earlier this year, one which just occurred earlier this month on March 8, and once again, a large vehicle, two people were killed in that, and the delays were many, many hours.

Similarly on the Brooklyn-Queens Expressway. This shows you one of those horizontal and vertical curves with no guardrail, and the vehicle fell 15 feet to the road below, and the driver was killed in the vehicle.

So I think earlier it was mentioned not only are we concerned about the safety of the general public, but the drivers themselves are being killed, and in fact, the drivers were killed in both of these accidents. And this just gives you an idea of the frequency of the accidents that are occurring on New York City roads, and 311 which—with most of them occurring on just three roads, with the current vehicles.

So one could expect more serious problems on just the Brooklyn-Queens Expressway and other routes in the Bronx.

Mr. AMERUSO. I want to stress also that the accidents occur no matter what the circumstances are sometimes. It can be weather conditions. It could be the drivers. It could be other vehicles caused it, and we will not say that every single tandem truck would get into an accident. Only the fact that the potential, as proved by others in this field, in which this examination is taking place, as Congressman Ratchford has said this morning, the possibility or potential is greater.

So if you have any questions, I would be happy to answer them.

Senator DANFORTH. Would the effect of this, do you think, if the problem were to be solved from the standpoint of New York, be that large trucks would just no longer be allowed in New York City?

Mr. AMERUSO. In New York City?

Senator DANFORTH. Yes.

Mr. AMERUSO. I think we have reached a point with HEWA where they realize themselves, and of course, they can speak for themselves, that most of the Interstate System, about 85 percent of the existing system in New York City, is not fit to accept tandem tractor trailers, and that about 15 percent is the part that should be considered as a possibility with various mitigating circumstances, time of day operation, lane restrictions, and various other actions that could take place to bring up to standard some of the sections that might be substandard.

Senator DANFORTH. Would the effect be that with the exception of maybe 15 percent of the Interstate System, there just would not be any large trucks in New York City?

Mr. AMERUSO. I do not think so because, as I said before, in Congressman Anderson's committee, that New York City, which could create a barrier to the States above, it would not be a bar to commerce; and I made that as part of the record, and we would try every reasonable way that we know how within the bounds of safety; and the questions of alternate routes to designate at least some sections that could be available.

Now, that is different from operating within the local street system which New York City has about 6,000 miles of. We believe we have the authority to, under the State and city regulations, to allow or not allow certain sized vehicles to operate within that system. Imagine these type of trucks operating in Manhattan where there are terminals, and they have thoughts of operating on the system, and after a couple of discussions, they could see they were putting themselves into a situation that was almost untenable.

Senator DANFORTH. Would this create a barrier, though? I mean, let me give you a hypothetical. One is transportation between Philadelphia and Boston.

Mr. AMERUSO. Yes.

Senator DANFORTH. What would happen? Would they be able to get through?

Mr. AMERUSO. Well, there is an alternative. If there were no routes—I will answer the hypothetical. If there were no routes in New York City that could be designated after all reasonable people sat down with the HFWA and all studies were done and there was not anything available—which I do not think is the case, because there are some discussions going on in that—then they would have to take 287 and go across Tappan Zee Bridge. They would get to Boston. It would be a little longer trip involved, but going north and then going to the east and taking the Tappan Zee Bridge, that is an alternative, and it is a satisfactory one.

And those particular routes are built to the most modern standards.

However, we are not seeking to do that for the purpose of saying stay out of New York City. We do not want anybody or anything. We are trying——

Senator DANFORTH. No.

Mr. AMERUSO. We are trying with negotiations to find a route.

Senator DANFORTH. The most telling argument in favor of the bill is that large trucks are operating on the Brooklyn-Queens Expressway. I mean, anybody who has been on the Brooklyn-Queens Expressway realizes that this should not be a truck route.

Mr. AMERUSO. Absolutely correct.

Senator DANFORTH. Supposing, though, that somebody wanted to go into New York with a truck? What would be your position, that they should not with a large truck? That they should break it down or there should be some sort of terminal where you offload it and put it on small vehicles?

Mr. AMERUSO. Things are being done like from the north, and Westchester, from Major Deegan. There is a depot within 1,500 feet of the city line. Trucks, the tandem trucks operating from out of State having business in New York City, they pull into that area, they break down. One puppy—or the other truck picks up the other puppy. They do not offload generally. They just break down, and they come into the city with less than 52 feet. So this has been operating for over 3 years now. And I think things like that could operate from the south within Staten Island and out in New Jersey relative to negotiations with that State.

So those opportunities exist. We know they work, provided, again, that there was absolutely no way that they could be allowed on certain segments, and we realize our responsibility again not to be a barrier to commerce, and we are trying very hard to get—to find routes that are suitable both on a safety basis and meet all the criteria.

Senator DANFORTH. Let me ask you this. This map here of accidents, are these all large trucks? Are these all the trucks that you think would be taken off?

Mr. AMERUSO. They are trucks and other vehicles involved in similar accidents.

Senator **Danforth**. In other words, would this be a clean sheet if these vehicles were prohibited?

Mr. **Schwartz**. Yes, these are only tractor trailer accidents.

Senator **Danforth**. In other words, they are exactly the vehicles or that would be prohibited by the legislation?

Mr. **Schwartz**. No, these are even smaller. These are the single units of tractor trailers.

Mr. **Ameruso**. Under 55 feet. The regular tractor trailers you saw in one of the photographs that was overturned, we have 300 such jackknifes, overturns, each year, and out of that, about 60 fatalities.

Senator **Danforth**. I mean, these are the vehicles to which the bill was directed?

Mr. **Ameruso**. No, those are existing accident statistics of trailers which now operate on the system, which are allowed, the 55 foot single unit trailers. They have difficulty because there is a lot of jackknifing. There is overturn possibilities and a lot to do with the geometrics like the Brooklyn-Queens Expressway. So we are going to increase the potential with a double bottom vehicle because of the tracking problems of the——

Senator **Danforth**. You mean this would not get any better?

Mr. **Ameruso**. We believe it will get worse. Accident statistics are held about—on the rate of every 100 vehicle miles of travel, every day, combining all the vehicles traveling on roads in New York City, there is about 44 million miles of travel. So every 2½ days, this potential on a rate basis happens, and it does. Just 300 over the year.

So it happens about every 2 days, there is a jacknife and a trailer incident.

Senator **Danforth**. Let me just rephrase the question because I think we are going past each other.

If this bill were passed and if the Secretary of Transportation acted as you think she should act pursuant to the terms of this bill, would we continue to have this problem or not?

Mr. **Schwartz**. We would continue to have it, but we would not aggravate the problem.

Senator **Danforth**. It would not get worse?

Mr. **Schwartz**. That is correct.

Senator **Danforth**. Senator Lautenberg?

Senator **Lautenberg**. Just a couple of things.

Mr. Ameruso, before 1983 tandem trucks were prohibited in New York City. Am I——

Mr. **Ameruso**. That is correct—by State law.

Senator **Lautenberg**. By State law, and it must have been a law that satisfied you and the officialdom of New York City.

Mr. **Ameruso**. Yes.

Senator **Lautenberg**. So that pursuant to Senator Danforth's question that barring these trucks from New York City would—even though you suggest there is a 15 percent tolerance value there, that ideally, is it fair to say that, in your judgment, New York City would be better off without any tandem truck traffic?

Mr. **Ameruso**. If you are asking the pure technical question of what we have to consider, whether these trucks are going to operate, the answer is yes. When you consider everything else, we do not want to dump our problems on New Jersey.

As we stated earlier, we have to consider what routes might be available and not be a barrier and the time of operation during the day. We have been discussing that with HWF, so those discussions are taking place and I do not want to say just, well, we do not want anybody in New York City. I do not think that is the reason.

Senator LAUTENBERG. The overriding consideration is safety?

Mr. AMERUSO. I think it would be everyone's concern as to whether these trucks can operate safely.

Senator LAUTENBERG. You suggested that 287, the Tappan Zee, pursuant to the chairman's question, would be a possible alternative. Please describe for me briefly, Mr. Ameruso, how that truck is going to get to the west side of the Tappan Zee.

Mr. AMERUSO. We have a map here that shows it, and it is a circuitous route. No question about it, admittedly.

Senator LAUTENBERG. Can you decribe it?

Mr. AMERUSO. Do you have the map that would show that?

I do not know all the designation of New York roads, but we are making the assumption that that possibility exists to reach the cross route which would cross the Tappan Zee Bridge.

Senator LAUTENBERG. It is nigh onto impossible, and I want to make certain that the record reflects our concerns, because if that is what you are suggesting as an alternative——

Mr. AMERUSO. It would—it would be extremely difficult. Let me admit to that.

Senator LAUTENBERG. Thank you.

Mr. AMERUSO. The question as answered, is there another road above New York City that crosses over into New England and at other hearings——

Senator LAUTENBERG. No. Senator Danforth said if you had a truck that had to go from Philadelphia to Boston, how could it get through the area, and I believe your response was well, the Tappan Zee would be one of those alternates.

Mr. AMERUSO. If you can get to 287, which would be very difficult, I agree.

[The statement follows:]

STATEMENT OF ANTHONY R. AMERUSO, P.E., COMMISSIONER, NEW YORK CITY DEPARTMENT OF TRANSPORTATION

Mr. Chairman, thank you for the opportunity to appear before this Committee today on the safety problems of large tandem trailer trucks on substandard interstate highways in congested urban areas. Today I represent both Mayor Edward I. Koch of New York City and the U.S. Conference of Mayors. Mayor Koch was unable to appear before the Committee due to a previous long-standing commitment.

I specifically want to comment on the proposed Tandem Trailer Safety Act of 1984 (S. 2217), sponsored by Senator Moynihan which will be of great assistance to New York City and to other jurisdictions in making tandem trailer truck provisions of the Surface Transportation Assistance Act workable.

As you know, Section 411(c) of the 1982 Surface Transportation Assistance Act (STAA) mandates that tandem trailer trucks be permitted on all interstate highways. But interstate designation does not guarantee that a highway can safely accommodate all classes of vehicles. New York City's interstate system is unique in many respects and distinguished from systems in many other urban areas in that it is made up of pre-interstate era roadways dating back to the 1930's. They were linked together for route continuity and the majority do not conform to modern highway standards.

Current interstate standards dictate minimum lane widths of 12 feet but many of New York City's interstates contain lane widths of only 10 and 11 feet. The STAA permits truck widths of 8½ feet. With overhangs for mirrors, overall width could reach 10 feet 2 inches, bringing parallel trucks dangerously close to each other. (See Appendix I)

Interstate standards require that 1,000-foot acceleration lanes and 400-foot deceleration lanes be provided. Almost all of New York City's interstates have substandard acceleration and deceleration lanes with many locations having no acceleration or deceleration lanes at all. (See Appendix II)

Interstate standards dictate a usable width of 10 feet for a highway shoulder. Fifty-two percent of New York City's interstate roadways have either substandard shoulders or no shoulders at all. (See Appendix III)

Climbing lanes are warranted on steep grade multi-lane highways with heavy volumes of traffic and numerous trucks, where the grade causes a 15 mile-per-hour reduction in the speed of loaded trucks. This condition occurs with considerable regularity on many of New York City's interstates, yet there are no climbing lanes on any highway in the City. (See Appendix IV)

Interstate design standards dictate that left side exits and entrances should be avoided. In New York City, however, there are several critical interstate locations where both exits and entrances are on the left. (See Appendix V) There are also inadequate horizontal and vertical sight distances, and some overhead clearances are posted below 13 ft. 6 in.

The Lincoln Tunnel, Queens Midtown Tunnel, the Holland Tunnel and the Westside Highway to 42nd Street have been designated as part of the tandem truck interstate network. These facilities end on quasi-residential streets, causing trucks to travel through residential areas to connect with the interstate system.

There are significant hazards associated with operating tandem trailer trucks on congested urban interstate systems. Accident potential rises as density increases, traffic flow becomes unstable, and vehicular capacity is reached. Characteristics of tandem trailers make them potential hazards on densely-travelled highways. Simple tasks such as lane-changing become difficult because of the longer gaps required. Sideswiping accident risks are increased. Tandem trailers are difficult to control and have intrinsic braking problems. Ninety-five percent of passenger cars traveling at a speed of 20 miles per hour can stop within 25 feet, while 95 percent of combination trucks require approximately 65 feet to stop. Tandems tend to become involved in accidents more when empty than when loaded; they have a larger potential for encroachment on adjacent traffic lanes and almost twice the crash rate of straight trucks.

Three major hazards to other vehicles from the operation of tandems are aerodynamic disturbances, off-tracking and jackknifing. Aerodynamic disturbance largely goes unnoticed on rural highways, where traffic volumes may reach only 2,500 vehicles per day. This becomes a serious safety hazard in New York City where interstate volumes range from 100,000 to 130,000 vehicles per day. Off-tracking on rural interstates with low traffic volumes can be remedied by a simple realignment, but off-tracking where there are high volumes of traffic (such as the overcrowded Cross Bronx Expressway or the Long Island Expressway) could result in a multi-vehicle accident. Jackknifing of trailers is always serious but is especially dangerous for tandems in the City because of the increased potential for the rear trailer to overturn and the high probability that the trailer would impact with one or more other vehicles, causing severe injuries. In addition, the traffic delays caused would involve thousands of vehicles and a backup of several miles on streets and highways for many hours.

New York City's "designated interstate highways," carry the heaviest traffic volumes in the United States through and into intensely developed commercial and residential areas with closely spaced interchanges. Consequently, severe traffic blockages frequently develop at exits reducing lane availability on the main highways. The ensuing congestion, speed changes, and lane shifts currently contribute to high frequencies of truck related accidents. Tandem trailers injected into this environment will create a substantially greater risk.

Even under current size limitations, tractor-trailers in New York City are involved in a great many serious accidents. In 1983, there were 310 accidents including 62 jackknifes and 18 overturns on New York City's arterial highways. Over ninety percent of these incidents occurred on weekdays.

The new Federal law mandates "reasonable access" for these large vehicles to terminals often located more than a mile from highways exits, and for food, fuel, repairs and rest. This provision creates further strain on New York City's roadways, because these terminals are located in the Bronx, Brooklyn, Manhattan's west side, (which is highly congested), and in Maspeth, Queens, all partially residential areas. On the City's narrow, densely travelled streets, these rigs will be detrimental to the safety of other drivers and pedestrians. They will raise the levels of traffic congestion and air pollution.

Furthermore, tandem trailers are almost impossible to back up safely. Consolidated Freightways, one of the country's largest truck operators, has given standing orders, as reported in a magazine article last year, to its tandem trailer operators not to ever attempt to back up a rig. Severe congestion (possibly gridlock) would be caused by a trailer parked in a midtown intersection because the driver misjudged the space required to make the turn.

The Surface Transportation Assistance Act of 1982 provides a process whereby states can apprise the Secretary of Transportation or Federal Highway Administration (FHwA) that certain non-interstate roadways or portions thereof are not capable of safely accommodating tandem trailer trucks. The Secretary can then grant exemptions where the threat to public safety is determined to exist. The U.S. Conference of Mayors supports establishment of a similar process for interstate highways. S. 2217, the Tandem Trailer Safety Act of 1984, would do exactly that and is consistent with a resolution approved by the Conference of Mayors at our annual meeting in June, 1984. (See Appendix V)

We do not wish to interfere with interstate commerce. During certain hours and on certain interstates we can allow tandems to pass through New York City but these routes and hours must be carefully chosen. In the interest of public safety, we therefore urge the passage of legislation which allows the U.S. Department of Transportation to exempt substandard interstates unsafe for tandem trailer trucks from requirements of the Surface Transportation Assistance Act of 1982.

APPENDIX I

Examples of Substandard Lane Widths Include:

Brooklyn Queens Expressway: Lane widths are 11-10-11′ for most of its length in Queens.

The Whitestone Expressway: South of Linden Place, lane widths are 10′ & 11′.

The Bruckner Expressway: In several sections, there are only 11′ lanes.

Holland Tunnel: Four 10′ lanes.

Queens Midtown Tunnel: Four 10-6″ lanes.

Brooklyn Battery Tunnel: Four 10-8″ lanes.

Lincoln Tunnel: Six 10-9″ lanes.

APPENDIX II.—LENGTHS OF SELECTED ACCELERATION AND DECELERATION LANES

Interstate	Acceleration		Deceleration	
	N/B	S/B	N/B	S/B
BOE:				
Hicks St	0			0
Atlantic Ave	100	40	220	100
Fulton St		100	100	200
Tillary St	180		80	80
Flushing Ave		200	300	
Metropolitan Ave	200	300	400	0
Humboldt St	0			0
Vandervoort Ave	140			140
Laurel Hill Blvd			0	500
Northern Blvd		150	150	
Van Wyck:				
College Pt. Blvd	245			750
69th Rd	500	320		
Union Turnpike				400
Queens Blvd			400	300
Hillside Ave	400			
Jamaica Ave. & 91st Ave	200	200	200	200
Atlantic Ave. (Liberty)	400	200	300	200
106th Ave		200	300	
Linden Blvd	300	220	150	400
Rockaway Blvd	300	240	220	220

APPENDIX II.—LENGTHS OF SELECTED ACCELERATION AND DECELERATION LANES—Continued

Interstate	Acceleration		Deceleration	
	N/B	S/B	N/B	S/B
Gowanus:				
Prospect Expressway			250	
39th St			150	175
65th St	250	250	400	400
68th St			350	
78th St	500			360
Ft. Hamilton Parkway	200	250	200	300
92nd St	500	500	500	500
Major Deegan:				
Willis Ave	400			200
Grand Concourse	200	100	100	200
Macombs Dam Bridge	150	100	200	300
179th St	180	100	200	300
230th St		200	300	
	W/B	E/B	W/B	E/B
Cross Bronx:				
Amst. Ave. (Wash. Br.)		0	0	
Jerome Ave	600	300	150	300
Webster Ave	150			100
3rd Ave		100	120	
Sheridan Expressway	240			
Tremont Ave	500			100
Bruckner Expressway:				
Bronx River Ave	300		400	200

APPENDIX III

Examples of Inadequate Shoulders Include:

Van Wyck Expressway/Whitestone Expressway (I 678): No shoulders for 42 percent of length, equal to 5.16 miles.

Staten Island Expressway/Brooklyn-Queens Expressway/Bruckner Expressway (I-278): No shoulders for 76 percent of length, equal to 25.78 miles, and substandard shoulders for an additional 3 percent of its length.

Cross Bronx Expressway/New England Thruway (I 95): No shoulders for 37 percent of length, equal to 4.49 miles, and substandard shoulders for an additional 4 percent of length.

New York Thruway (I 87): No shoulders for 22 percent of length, equal to 1.88 miles.

Long Island Expressway (I 495): No shoulders for 32 percent of length, equal 4.93 miles, and substandard shoulders for an additional 5 percent of length.

APPENDIX IV

Location in Particular Need of a Climbing Lane Include:

Long Island Expressway: Westbound between Queens Blvd. and Grand Ave., and eastbound between Cross Island Parkway and Little Neck Parkway.

Van Wyck Expressway: Northbound between Atlantic Ave. and Main Street.

Staten Island Expressway: Eastbound between Bradley Ave. and Clove Road and westbound between Richmond Road and Slosson Avenue.

APPENDIX V

Examples of Interstate Locations Where Both Exits and Entrances are on the Left:

Brooklyn-Queens Expressway: Southbound exit to Metropolitan Avenue, exit to Williamsburg Bridge, and exit to Prospect Expressway. Southbound entrance from 3rd Avenue, northbound entrance from Belt Parkway, and entrance from Union Avenue.

New England Thruway: Northbound exit to Gun Hill Road, and exit to Baychester Avenue.

Additional Substandard Design Features Include:

Close Exit Spacing: New England Thruway in the vicinity of Co-Op City, the LIE in the vicinity of Queens Blvd. and the BQE in the vicinity of the Williamsburg Bridge.

Substandard Radii: Major Deegan in the Vicinity of the Grand Concourse and the BQE in the vicinity of flushing Avenue and Tillary Street.

Median Dividers: Most of the City's Interstates fall below current standards for median dividers.

APPENDIX VI

Resolution Approved by the U.S. Conference of Mayors, June 1983.

Whereas the Surface Transportation Assistance Act of 1982 provides for greater truck lengths, weights and widths on the nation's highways;

Whereas provisions of this legislation established a process for designating safe primary and access roads for the operation of tandem trailer trucks but failed to include such a process for interstate highways some of which may not have the capacity to safety accommodate such larger truck traffic and in some cases may not meet current interstate engineering standards;

Whereas this situation poses a threat to the safety of people and property and the orderly movement of traffic on urban streets and roads; and

Whereas large truck combinations should be permitted only on those interstate highways where they can be operated safely;

Now, therefore, be it resolved that the U.S. Conference of Mayors urges the Administration and the Congress to enact an amendment to the 1982 legislation to provide for local involvement in excluding tandem trailer trucks from unsafe interstate highways.

[The following information was subsequently received for the record:]

QUESTIONS OF THE MINORITY AND THE ANSWERS THERETO

Question 1. The Committee is concerned that S. 2217 may not adequately protect the interests of States neighboring a jurisdiction where an Interstate segment is found to be unsafe. What steps do you think should be taken to ensure that the decision to limit truck traffic on one highway segment and divert it to another is made on a region-wide basis and that no State is harmed by the actions taken in another state?

Answer. S. 2217 provides the Secretary of Transportation the discretionary authority to exempt substandard Interstate highways from use by tandem trailer trucks. The Secretary's nationwide authority allows her to look at all exemption requests on a regional basis. The City believes that no State will be harmed as long as alternative routes are evaluated using the same safety criteria.

Question 2. Your statement also addresses the question of increased access. What is your view of legislation allowing a single 28-foot trailer to travel through an urban area to serve shippers? Would this not be a safer method of serving shippers than by limiting access to those tractor trailer combinations pulling 45-foot long and 96-inch wide trailers?

Answer. Federal law should not mandate the width of trucks within local jurisdictions.

Senator DANFORTH. Mr. Francois, am I pronouncing your name right?

Mr. FRANCOIS. That is fine. My name is Francis Francois. I am executive director of the American Association of State Highway and Transportation Officials, and we are pleased to be here today and respond to your invitation to offer our comments on the bill before you.

Almost everything, I think, has been said, and I certainly do not want to go over the ground that has been so well covered.

Quite clearly there are a number of interstate highways that were built years ago in heavily congested areas that do not meet all of the geometric standards that we would like, and upon which the operation of the longer and wider trucks does pose a problem.

As I noted in our testimony, Mr. Chairman—and we have offered that to you for the record—we have been pleased at the efforts of the Federal Highway Administration, through the restrictions on roads that Mr. Lamm outlined, to address a few of the specific problem areas. But we have a great concern to whether the legal authority actually does exist for the FHWA to alleviate all the problems that we have.

For that reason, the association does endorse the concept of the bill that is in front of you. Specifically, on October 2, 1983, the AASHTO policy committee did approve a supporting resolution. I should explain that the policy committee is comprised of the chief administrative officers of the departments of highways and transportation in the 50 States, the District of Columbia, and Puerto Rico, and for them to adopt a policy it requires a two-thirds affirmative vote of all the States, which is at least 35 States.

They did adopt this policy statement, which does address the problem. As I note in our testimony, the resolution outlined the specific geometric concerns that we have, and does urge the passage of legislation by Congress that will specifically give to the Secretary of Transportation the authority to work with the States to solve problems with respect to 102-inch-wide trucks and the tandem trailers. We are pleased this morning to hear Mr. Lamm's comment with respect to the Department's desire to extend the bill before you so as to cover both length and width, because we see as many problems with width in some instances, as we do with lengths.

I also note in our testimony with respect to length, that we have special concerns about the 48-foot and longer trailers that we are now seeing on our highways. Basically it is an issue of traffic safety. All we are saying is that we think the Secretary of Transportation and the Federal Highway Administration ought to have the clear discretion by law to deal with situations where it is clear that the geometry of the roadway will not safely accommodate these larger trucks.

We stand prepared to answer any questions you have. Thank you.

[The statement follows:]

STATEMENT OF FRANCIS B. FRANCOIS, EXECUTIVE DIRECTOR, AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS

Mr. Chairman, my name is Francis B. Francois, and I am the Executive Director of the American Association of State Highway and Transportation Officials. I am appearing today at the request of the Committee, to provide AASHTO's views on the issues addressed in S. 2217, the "Tandem Truck Safety Act of 1984".

Mr. Chairman, AASHTO is comprised of the departments of highways and transportation in the 50 states, the District of Columbia and Puerto Rico. Our member departments were pleased at the passage of the Surface Transportation Assistance Act (STAA) of 1982, which provided significant new funding for the highway and public transportation system of our nation and contained many other significant features of importance.

One area that the STAA of 1982 also addressed particularly concerned motor carriers. On the one hand, the Act called upon the motor carrier industry to pay increased highway user charges. But at the same time, the Act extended to this industry several provisions relating to the Federal-Aid Highway system that were designed to offer overall productivity improvement opportunities for motor carriers, as at least partial compensation for the increased highway user fees imposed upon them. These included provisions that prohibited states from placing less than an

80,000 pound overall weight limit on trucks, established a national truck width standard of 102 inches, eliminated the ability of our states to regulate truck and trailer lengths as in the past, required states to accept so-called tandem trailer combinations, and called for the designation of national truck routes that include the Interstate system and certain additional highways.

While these actions designed to improve motor carrier productivity may prove effective, in some instances they have also caused problems for our member departments.

Our member departments of highways and transportation are responsible for the design, construction and maintenance of the highway systems in their states, including the portion of the state system that is part of the Federal-Aid Highway system. The highway engineers and administrators in each state understand the design limitations of their own highways better than anyone else, and it was quickly apparent to them after the passage of the STAA of 1982 that the new motor carrier provisions would cause problems in some states. Essentially, those problems relate to the geometric design standards utilized to construct our highways, and the engineering reality that not all highways on its Federal-Aid Highway system can safely accomodate all of the truck and trailer configurations and dimensions included in the STAA of 1982. These problems are mostly concentrated on our older, roads, which were built perhaps decades ago and which for any of several valid reasons have not been reconstructed to today's highway standards

Mr. Chairman, as you are well aware, the overall traffic demands placed on highways in the 1940's and 1950's were different from those faced today, and the trucks then in use were considerably smaller and generally carried lighter loads. In that period lane widths of 10 or 11 feet were in use on some highways, and where ramps were employed they often had relatively tight configurations suitable to the smaller trucks of that era.

There are many miles of such older roads in existence. After the Interstate highway system was created in the 1950's, in several states older highways built to these earlier standards were incorporated into the new Interstate system, even though they included geometric features that did not measure up to the standards established by AASHTO and the old Bureau of Public Roads for ths new national highway system. There was simply not enough money available at that time to upgrade all of these highway systems to the new standards, nor did the traffic and vehicle designss of the 1950's demand an immediate transition to the higher Interstate standards.

Over the years, our member departments and involved local governments have worked to correct many of the deficiencies found in these early limited access highways that were incorporated into the Interstate system. However, limited resources have not made it possible to upgrade every mile and every interchange. In addition, environmental and community relations problems in some instances have simply prohibited or at least restricted the making of design improvements. Where geometric problems have existed that make it unsafe to operate the longer and wider truck combinations developed over the past several years, our member departments have therefore had to restrict the routes upon which such vehicles are allowed to travel.

When the STAA of 1982 was enacted, it removed the clear authority of our member departments to continue placing truck travel restrictions on our Interstate highways, and such other routes as the Federal Highway Administration might designate as part of the national truck route system. The Federal Highway Administration is aware of the geometric limitations present on some Interstate segments, which are found mostly in the older and more urbanized eastern part of the United States. They have worked with our members in an effort to resolve problems, and have administratively taken actions designed to provide relief in certain critical locations. Our member departments benefiting from this commendable discretionary action by the Federal Highway Administration are pleased at these efforts, but at the same time are concerned that the language of the STAA of 1982 might not support the FHWA in the event of court action to overturn the restrictions imposed.

Mr. Chairman, the chief administrative officers of our member departments in the Northeast were especially concerned about this problem, and collectively drafted a Resolution concerning the issue. That Resolution was presented to our Policy Committee, and after discussion and consideration of the issues involved it received the support of more than two-thirds of all the states on October 2, 1983. It is now an AASHTO policy statement, and a copy is attached.

The "Whereas" clauses of the Resolution state the engineering concerns that caused our Policy Committee to take action. Specifically, the third "Whereas" cites the presence of the older highways in our Interstate system, and the fourth "Whereas" details the design problems inherent in these older highways that can make the operation of the wider and longer trucks mandated by the STAA of 1982 unsafe.

Mr. Chairman, the Resolution concludes by recommending and encouraging Congress to: "support and enact an amendment to the STAA of 1982 which specifically gives the Secretary of Transportation the discretionary authority to allow the states to establish, maintain and enforce state laws which would limit the operation of 102-inch wide and tractor-semitrailer-trailer combinations to those segments of Interstate System highways that are capable of safely accommodating such equipment."

Further, the Resolution states that: "the member departments of AASHTO express their full support for the enactment of a suitable amendment which would give the Secretary of Transportation the needed flexibility to administer the law in a safe manner."

We are pleased, Mr. Chairman, at the introduction of S. 2217. As we read this bill, it has the same basic goals as stated in our Resolution, and is clearly designed to address the problems faced in certain states by enactment of the truck width and length provisions of the STAA of 1982.

There may be some who fear that enactment of S. 2217, or similar commendable legislation introduced by Congresswoman Geraldine Ferraro in the House of Representatives, would result in wide-spread limitations upon the movements of trucks over the Interstate system. We simply do not believe this will happen, for several reasons. The leadership found in our member departments of highways and transportation fully understands the importance of the motor carrier industry to the economic life of our states, and believe that motor carriers constitute an important part of the highway user community. With Congress having spoken clearly in the STAA of 1982 about the need to allow motor carriers more freedom of movement across the nation on our Interstate system with certain kinds of equipment, our members will do their professional best to make this happen. In any case, the legislation under consideration retains in the Secretary of Transportation full authority to control the situation.

Our member departments do not seek repeal of these truck provisions of the STAA of 1982, Mr. Chairman. Rather, we are seeking clear authority for the Secretary of Transportation to exercise discretion in those instances where sound engineering judgment dictates that, in the name of safety, an exception ought to be made. As I have noted, such discretion is already being exercised; in some instances by the FHWA; we believe that there ought to be the force of statutory law behind the use of this discretion.

Mr. Chairman, I have mentioned that the longer trucks, including the tandems mandated by the STAA of 1982 and the triple trailer configurations that are now being considered for use nationally because of the Act, can cause problems on our highway system where a road has not been constructed to modern standards. A more acute situation can occur on city streets, where the operation of the longer trucks can cause severe problems. After the STAA of 1982 was enacted, our Highway Subcommittee on Design considered its impacts, and determined that certain longer truck configurations could cause severe problems in some situations.

In order to provide our member department highway engineers with greater understanding of potential problems posed by the truck length and the truck and trailer configuration provisions of the STAA of 1982, the Subcommittee on Design prepared an interim technical guide titled "Offtracking Considerations for Truck Tractor-Trailer Combinations", a copy of which is also attached to this testimony. The guide draws heavily upon analyses done by the Western Highway Institute, and should help the members of the Committee better understand the geometric design issues before us because of the STAA of 1982.

Mr. Chairman, I would direct your special attention to Figures 5-7 on pages 11-13 of the guide, and the supporting text for these Figures. This information will explain the "offtracking" problems that we are concerned about, and which can present real safety problems for both the highway user and nearby property and installations The 48-foot trailer allowed by the STAA of 1982 is an especially severe problem in some instances, in that the read end of such a trailer can offtrack by several feet with the result that the inner rear wheels can cut across the curbs at an intersection and severely damage property and injure any pedestrians that might not be sufficiently observant.

The truck width and length provisions of the STAA of 1982 were intended to increase the productivity of the motor carrier industry, as I have noted. At the present time, the industry is designing and ordering new equipment to take advantage of the new law, as Congress intended. But for now, there are many highways, local roads and streets that simply are not designed to accommodate every piece of equipment that might be operated under the provisions of the STAA of 1982. That is the reality with which we must deal.

Generally, we believe that the states, the Federal Highway Administration, and the motor carrier industry have acted responsibly in carrying out the provisions of the STAA of 1982. In time, as such engineering tools as the attached AASHTO "Off-tracking" guide and others now under development become available, and as states and local governments find the resources to reconstruct our highway system to accept the larger trucks, they will be able to move safely to most destinations. For now, most of the Interstate system is capable of accepting them, together with considerable mileage on our primary system, and some other roads.

But there are segments of the Interstate system and other highways that are not up to the standards necessary for the safe operation of the larger trucks and certain of the truck and trailer configurations mandated by the STAA of 1982, which was the reason the attached AASHTO Resolution was adopted. We trust that this Committee, Mr. Chairman, will weigh the situation, and give careful consideration to providing the Secretary of Transportation with statutory support for the engineering discretion our member departments feel is desirable.

Mr. Chairman, we appreciate having this opportunity to express our viewpoint on the issues addressed in S. 2217, and we are prepared to respond to any questions you may have.

AASHTO Position on the Operation of Wider and Tandem Trucks on Segments of Interstate Routes Which Cannot Safely Accommodate Such Configurations—Recommended by the Northeastern Association of State Highway and Transportation

APPROVED BY AASHTO POLICY COMMITTEE, OCTOBER 2, 1983

Whereas, Section 411 of the Surface Transportation Assistance Act of 1982 prohibits any state from establishing, maintaining or enforcing any state law which would prohibit the operation of tractor-semitrailer-trailer combinations or any segment of the National System of Interstate and Defense Highways; and

Whereas, Public Law 98-17 amended the STAA to add Section 416 which requires all states except Hawaii to establish a vehicle width limitation of 102 inches on the Interstate System; and

Whereas, various sections and segments of the Interstate System, located especially in the Northeast, are made up of pre-Interstate Era roadways, many dating back to the 1930's which have been linked together for purposes of route continuity and designated as Interstate highways; and

Whereas, the various segments of Interstate highways so designated, in many instances are inadequate by today's Interstate construction standards, having narrow lane widths, substandard curve radii, inadequate overhead clearances, short ramps and acceleration lanes, inadequate sight distances, excessive grades, and a complete lack of shoulder and service roads; and

Whereas, the various states are entrusted with the responsibility for assuring safety on the highways within their respective jurisdictions; and

Whereas, the various segments of interstate highways so designated are not capable of safely accommodating the wider trucks and tractor—semitrailer—trailer combinations which the law requires the states to permit to operate; and

Whereas, Sections 41 and 416 of the Surface Transportation Assistance Act of 1982 as amended are unnecessarily rigid, and do not specifically allow the Secretary of Transportation to consider safety aspects or considerations in administering the provisions of the law relating to the operation of 102-inch wide and tractor-semitrailer—trailer trucks on all segments of the National System of Interstate and Defense Highways; and

Whereas, The Secretary of Transportation must have the discretion to allow the states to restrict the operation of 102-inch wide and tractor-semitrailer-trailer combinations on the Interestate System where it can be demonstrated that they cannot be safely accommodated:

Now, therefore, be it *resolved*, That the member departments of ASSHTO recommend and encourage Congress to support and enact an amendment to the STAA of 1982 which specifically gives the Secretary of Transportation the discretionary authority to allow the states to establish, maintain and enforce state laws which would limit the operation of 102-inch wide and tractor-semitrailer-trailer combinations to those segments of Interstate System highways that are capable of safely accommodating such equipment; and be it further

Resolved, That the member departments of AASHTO express their full support for the enactment of a suitable amendment which would give the Secretary of Transportation the needed flexibility to adminster the law in a safe manner; and be it further

Resolved, That copies of this resolution be sent to appropriate officials of the U.S. Department of Transportation and the U.S. Congress.

Senator DANFORTH. Mr. DeWitt?

Mr. DEWITT. Thank you, Mr. Chairman.

I have prepared a statement which we submitted to the committee. I would—since the ground has been so amply covered by representatives of New York and Connecticut, I would like to just go right to the two roads that I think demonstrate the problems that are self-evident examples of the problem.

Before I do that, I would like to say the Commonwealth strongly supports enactment of S. 2217, and we urge the subcommittee to act favorably on the bill.

We have two pieces of Interstate 93, which is the main route from the south to the north and vice versa, which go through the city of Boston, which were roads designated as interstate after they were constructed, primarily with State funds. The Suffolk Expressway, which runs from the southern part of the city of Boston, running from the downtown area to Route 128, is about an 8-mile stretch of highway, is the major commuter vehicle from the south to the city of Boston, and also the major highway that goes to and from the Cape.

This highway is a traffic nightmare. It is presently undergoing a drastic reconstruction which hopefully will solve some of the problems, but it is not foreseeable for us to ever imagine that it would ever be a road suitable for double tandem traffic.

And we also have a highway which we refer to as the central artery, which is a highway that cuts through, right through the downtown Boston, which was constructed in the 1950's. It is an elevated, six-lane highway, no shoulders, no breakdown lanes, incredibly short ramps, which is just not suitable for the volume of traffic that it handles now, which is somewhere in the neighborhood of 160,000 cars per day, which according to our information is the most heavily trafficked highway in the country, along with two highways in New York City.

It has an accident rate of 2.5 times the national average, and we just do not think that this is an appropriate interstate for double tandem vehicles. And as a result of these two roads being adequate to handle the double tandem vehicles we strongly support that the subcommittee act favorably on this bill because I think it would help solve the problem.

I would be more than happy to answer any question you may have.

[The statement follows:]

STATEMENT OF CHARLES E. DEWITT, JR., ASSISTANT SECRETARY, MASSACHUSETTS EXECUTIVE OFFICE OF TRANSPORTATION AND CONSTRUCTION

Mr. Chairman, the Commonwealth of Massachusetts appreciates this opportunity to testify before the Subcommittee regarding the Commonwealth's view on S. 2217. The Commonwealth supports S. 2217 and urges the Subcommittee to act favorably upon this bill.

As understood by the Commonwealth, S. 2217 provides the Secretary of Transportation with the discretion to exempt certain interstate routes from the double tandem truck network where the Secretary finds that the route cannot safely accommodate double tandem traffic. Section 411 of the Surface Transportation Assistance Act of 1982 provides that double tandem trucks shall be allowed on interstate routes and on primary routes designated by the Secretary. The difference in the treatment between interstate routes and primary routes resulted, no doubt, from the assumption that interstate routes, by definition, could safely accommodate double tandem traffic. The law requires that interstates constructed with interstate funds must be designed to meet vigorous standards set by the Federal Highway Administration in consultation with the States.

The assumption underpinning Section 411 does not take into account two realities. The first reality is that certain routes, which are on the Interstate System, were not built with interstate funds and were not built according to accepted interstate standards. Under Federal law, a State may designate certain roads as interstate routes although the routes were not built with interstate funds.

The second reality is that certain interstates particularly those routes which run through urban areas, have an already unacceptable traffic volume. Urban interstates serve as major local motorist and commuter highways as well as commercial arteries. It should be possible to exempt certain urban interstates, which the Secretary finds are inappropriate for double tandem use.

It may be helpful for the Subcommittee to consider several Massachusetts interstate routes which we believe are inappropriate for double tandem use. I-93 from the City of Boston was designated by Massachusetts as an interstate route after it was constructed without interstate funds. This portion of I-93 is often referred to as the Southeast Expressway. It is a seven mile road, which serves as the major commuter highway from the South of Boston and as the major route to and from Cape Cod and points south of Boston.

The Southeast Expressway is jammed each week day during traffic hours. Because of the excessive traffic capacity, the breakdown lanes on the Southeast Expressway have been opened to regular traffic thus eliminating a suitable breakdown lane and shoulder. There are regularly a large number of accidents on this portion of the Interstate, which cause monumental traffic jams. In addition, the Expressway lanes expand and contract throughout the route because it crosses several bridges, which have fewer lanes than the approaching roadway.

Use of double tandems on such a congested highway, regardless of the highway's status as an interstate route, is not sound federal or state transportation policy. It would encourage unsafe activity.

But this road is not the worst example of interstate highways unsuited for double tandem use. The Central Artery in Boston connects I-93 from the Southeast Expressway to areas north of Boston. The Central Artery is an elevated highway which runs right through downtown Boston. It serves as the only major funnel for traffic from the north, south and west into downtown Boston. It also serves as the major connection for the tunnels transporting people and goods to and from Boston's Logan Airport and the northern suburbs.

The Central Artery has six lanes, three running north and three running south. This narrow highway is fed by fourteen lanes from the south and the north. As one could expect the Central Artery's traffic capacity has been stretched beyond normal standards for years. The Central Artery along with two interstates in New York City are the busiest highways in the country, carrying almost 160,000 vehicles per day.

To make matters worse, the Central Artery was built completely with state funds in the 1950s and was not designed to acceptable interstate standards. It has lanes of less than twelve feet. It has no breakdown lanes or shoulders. It has narrow ramps and unsafe weaving patterns, which cause traffic slowdowns and diminish the road's already limited capacity. As one coud expect on such a poorly designed highway the accident rate is already two and one-half times the national average for urban highways. Large tractor trailers can not safely operate on the narrow lanes, short weaves and poorly spaced ramps of the Central Artery.

In short, several of the Massachusetts interstates are not appropriate for inclusion in the double tandem network. The Commonwealth feels that it is not a burden on interstate commerce to exclude tandems from interstates such as these.

It is important to remember that historically the States have been allowed the right to insure the safety of their citizens. Where a State's concern does not unduly conflict with the need for interstate commerce, there should be formal method or system for giving due regard to the State's concerns.

Again, I appreciate being invited to express these views before the Subcommittee, and I would be pleased to answer any questions or provide any further information desired by the Subcommittee members. Thank you Mr. Chairman.

Senator DANFORTH. Thank you, gentlemen. Do you anticipate that if this bill were passed, the Secretary of Transportation would be bombarded with requests from Governors to keep trucks off interstate highways?

Mr. FRANCOIS. Speaking nationwide on that, I do not think it would happen at all.

Senator DANFORTH. How about the Northeast?

Mr. AMERUSO. According to Ray Baumgard—I asked him that—and he said 93.5 percent of all those designations were done, and maybe there is possibly throughout the whole United States maybe 200 miles in question. I think some of it is represented right here at this table, so I——

Senator DANFORTH. Eighty-five percent of New York City is interstate. That is a lot.

Mr. AMERUSO. Well, he was answering the question, I believe, in the context that—whether they believed they had the statutory authority to exempt certain sections, which I think is clear they do not, that that was excluded.

In other words, we boiled it down and said what would be reasonable. We tried to get a reasonable point and then the question of statutory authority came up.

Senator DANFORTH. Yes. Governors are very, very close to their public and want to do what the public wants them to do. I would think that in communities where any interstate highway goes through there would soon be citizen's groups that would be going to Albany or Boston or somewhere demanding that the Governor write the Secretary of Transportation.

All the Governor would say is, "Well, I will pass the buck on to the Secretary of Transportation and write a letter." Do you see that happening?

Mr. AMERUSO. I think that potential exists in politics. There is no question about it. There would be pressure groups that would develop for a particular segment of road.

Senator DANFORTH. It would follow as the night the day, would it not? It would be an automatic result of passing the bill.

Mr. AMERUSO. I do not think so because if we look at the history of the bill and look at the primary designations which were done in the fashion we wish for the interstate designations to be done, I think that history will reveal there were a lot of reasonable negotiations that took place before the actual designations. So that would happen here also.

Senator DANFORTH. Do the rest of you want to comment?

Mr. FRANCOIS. Keep in mind that most of the interstate, the great bulk of it, is built to adequate standards; thus, there would be no basis for a request. It could be easily disposed of. I think it is clear that heavily urbanized areas, I would imagine, may well generate some problems over a period of time.

Senator DANFORTH. In the Northeast?

Mr. FRANCOIS. But realistically, for most States I think it would be one big application.

Senator DANFORTH. Would you not think between Boston and Philadelphia there would be just a lot of the Governors of Massachusetts and Connecticut and New York and New Jersey sending in a lot of requests?

Mr. **Francois**. I do not see a lot. It would be more or less a limited area of problems. As we know, in New York City there would be a lot of potential barriers. Potentially yes, there it is possible.

Senator **Danforth**. What if you had a Secretary of Transportation who was—say, Ralph Nader? Do you think truck transportation in the Northeast would come to a halt?

Mr. **Ameruso**. I do not think so because what we said a moment ago I think I would have to reemphasize. You have really got to have the case, and I think some of the pictures showed a case.

Senator **Danforth**. I think it is outrageous for these big trucks to be operating on the Brooklyn-Queens Expressway. That is your strongest case to show a picture and say drive it. But I guess the other side of it is what does this do.

Missouri is one of the so-called barrier States on big trucks. It was a major cause in the State of Missouri. All the newspapers were crusading against large trucks, and the legislature prohibited large trucks. We in Congress carried the ball against large trucks as long as we could.

Then, of course, we lost a year ago when we passed the highway bill. But I would think that all over the Northeast part of the country, particularly, there would be something that crusading journalists and citizen organizations would be interested in, and there would be enormous pressure on Governors to write the Secretary of Transportation. The Governors, without any real responsibility other than to make an application, would say fine, let us get these editorial writers off our backs.

Mr. **DeWitt**. Mr. Chairman, in Massachusetts we had quite a furor when the legislation was passed, and the Governor submitted legislation which we think would adequately take care of the problem. And we did by dealing with the truck industry and dealing with concerned people, Concerned Safety, AAA, and other people concerned with highway safety.

We were able to work out a system where trucks could go on central interstate routes and four-lane separated primaries, could go all over the area outside of the Boston area. And it can go through Boston onto acceptable interstate routes.

We were somewhat surprised, actually, that we were able to work it out as amicably as we could, but I found that the furor died once people understood that the major primaries and an acceptable interstate were safe vehicles for these double tandems and the bill we recently introduced into the legislature was introduced by the chairman of the Joint Committee on Transportation, supported by everybody, no opposition in the hearing that we had.

Senator **Danforth**. As far as Congress is concerned, it really is, I guess, a shift in where the power of government lies because we would be saying that something that is specifically vested in the Congress, interstate commerce, is now a matter of discretion with the Secretary of Transportation.

She or he or whoever the future Secretary of Transportation could say well, this is not——

Mr. **DeWitt**. Well, the Secretary already has that power under the provisions of section 411(c), Surface Transportation Act of 1982, and I think that this legislation will be solely limited to the interstate routes which the Secretary finds do not safely accommodate the double tandems. It is a very limited amount of discretion which Congress specifically would provide the Secretary.

Mr. AMERUSO. In New York State, Mr. Chairman, I could represent that dealing directly with the State officials and Governor Cuomo's people, that the only problem that exists in New York State is New York City, and we are working on it together. So I do not think there would be a flurry of exemption requests outside of New York City. There certainly would be pieces in New York City.

Senator DANFORTH. Gentlemen, thank you very much.

Next we have Mr. William Johns, American Trucking Associations; Mr. Joseph Clapp, Roadway Express; and Mr. Richard D. Henderson, Private Truck Council of America.

STATEMENTS OF WILLIAM JOHNS, MANAGING DIRECTOR, TECHNICAL SERVICES DIVISION, AMERICAN TRUCKING ASSOCIATIONS, INC.; JOSEPH M. CLAPP, SENIOR VICE PRESIDENT, ROADWAY EXPRESS, INC.; AND RICHARD D. HENDERSON, EXECUTIVE VICE PRESIDENT, PRIVATE TRUCK COUNCIL OF AMERICA, INC., ACCOMPANIED BY RICHARD P. SCHWEITZER, LEGISLATIVE COUNSEL

Mr. JOHNS. Mr. Chairman, my name is William Johns. I am managing director of technical services for American Trucking Associations, Inc. ATA appreciates the opportunity to give a brief summary of the written statement which we have submitted.

In brief, the trucking industry is proud of its safety record. We are especially proud of the safety record of twin trailers, also known as tandem trailers, which are now allowed to operate nationwide because of the Surface Transportation Assistance Act. We have provided an attachment to our written statement which gives the safety record of twin trailers and studies of the safety of twin trailers.

Even though the safety record of twin trailers has twice been confirmed by the U.S. Supreme Court, the trucking industry has no desire to operate these and other vehicles authorized by STAA in areas where they constitute a demonstrable safety hazard.

Although the trucking industry supports the intent to keep certain vehicles off of unsafe highways, we do not believe S. 2217 is necessary for that purpose. We believe that the Secretary of Transportation has authority now to designate certain highways and also to restrict trucks from unsafe highways.

Apparently the Department of Transportation shares in our view because in testimony before the House Subcommittee on Surface Transportation the Deputy Federal Highway Administrator stated his belief that the FHWA has the administrative ability to carry out the intent of legislation similar to S. 2217; and before the Senate Subcommittee on Transportation on February 1 of this year the Federal Highway Administrator repeated this belief, saying that the Department has the authority to enter into restrictive agreements with the States.

Should Congress decide that legislation is necessary to allow the Secretary of Transportation to restrict certain segments of the Interstate System to twin trailers, it should seek to insure that such restrictions are based upon sound highway engineering principles.

Emotional attacks on twin trailers in general should not be and must not be a justification. The only criteria which should be used to restrict twins is that the highway segment itself cannot handle twins as contrasted with other trucks.

We do not deny that certain segments of older interstates do not meet interstate design standards, but such substandard highways do not prove in and of themselves that they cannot handle twin trailers. In fact, it would appear that twin trailers may be suited for such highways because they have so little off track and because they maneuver so well on short radius turns and curves.

The wider trailers allowed under STAA should not be treated any different from other vehicles of a similar width. A small percentage of the older interstate segments do have lane widths of 10 and 11 feet. Yet many are now safely accommodating 102-inch width buses. Certainly if there is no need to restrict those vehicles from such highways then trailers of 102 inches should not be restricted.

We believe that if a Governor submits a request for exemption of a certain segment of the interstate highway he should also be required to submit a listing of possible alternative routes. The State Governors are more knowledgeable of local areas and should know more where there are possible alternatives that are suitable.

Restricting twin trailers from one road should not lead to diversion to inherently less safe routes or to a significant increase in mileage to be traveled because such an increase would add to exposure to accidents.

We also believe that there should be opportunity for public comment on whether twin trailers should be restricted from certain segments of the interstate. A procedure for public comment should be to invite comments on petitions to restrict a certain route and comments on proposed alternative routes.

Evidence has been presented which indicates that many older interstate highways are seriously deficient. These conditions did not develop with passage of STAA. Most existed prior to passage of the Federal Highway Act of 1956. Such conditions should no longer be tolerated or excused.

We believe it is incumbent upon States which propose to restrict twin trailer traffic to also indicate when the unsafe highway conditions cited will be rectified. Restricting twins should be viewed as a temporary condition until the deficiency is corrected. It should not be a permanent situation.

Mr. Chairman, that concludes my remarks. I will be happy to answer any questions that you might have.

[The statement follows:]

STATEMENT OF WILLIAM E. JOHNS, MANAGING DIRECTOR, TECHNICAL SERVICES DIVISION, AMERICAN TRUCKING ASSOCIATIONS, INC.

I. INTRODUCTION

The American Trucking Associations, Inc. appreciates the opportunity to comment on the Tandem Truck Safety Act of 1984 which would allow the U.S. Secretary of Transportation to exempt certain segments of the Interstate highway system from the longer truck lengths allowed by the Surface Transportation Assistance Act of 1982 (STAA). The American Trucking Associations (ATA), with offices at 1616 P Street, Northwest, Washington, DC, is a federation with affiliated associations in every state and the District of Columbia. In the aggregate, the ATA represents every type and class of motor carrier company in the country, both private and for-hire, which will be operating the vehicles allowed under STAA.

The trucking industry is proud of its safety record. It is especially proud of the safety record of its twin trailers (also known as double bottoms and tandems) which are now allowed to operate nationwide because of STAA.

Even though the safety record of twin trailers has twice been confirmed by the U.S. Supreme Court, the trucking industry has no desire to operate these vehicles in areas where they constitute a demonstrable safety hazard. In fact, ATA Senior Vice President, Edward V. Kiley, testifying before the Subcommittee on Surface Transportation of the House Public Works and Transportation Committee on June 16, 1983, said "Our industry does not want to operate the new configurations where they cannot be safely operated." This pledge was again stated on February 1, 1984, by ATA President Bennett C. Whitlock, Jr., testifying before the Subcommittee on Transportation of the Senate Committee on Environment and Public Works, when he said, ". . . the trucking industry has no desire to run equipment on unsafe highways."

Although the trucking industry supports the intent to keep certain vehicles off of unsafe highways, we do not believe S. 2217 is necessary for that purpose. If enacted, however, certain changes should be made to insure a smooth flow of commerce and to preclude the misuse of the legislation to impose undue restrictions on twin trailer operations.

II. S. 2217 IN NOT NECESSARY

While no one should object to a mechanism to restrict certain truck traffic from unsafe Interstate highways, it is questionable whether S. 2217 is actually necessary.

The Secretary of Transportation now has the authority to designate certain highways for twin trailer operations. We believe that the Secretary also has the authority to restrict trucks from unsafe highways. The Department of Transportation apparently shares our view. Testifying before the House Subcommittee on Surface Transportation on June 14, 1983, Lester P. Lamm, Deputy Federal Highway Administrator said, "It is our opinion that we do have the administrative ability to jointly agree with State and city officials that interstate routes . . . . are not suitable for larger vehicles. We believe that we have the administrative ability to carry out the intention of Mrs. Ferraro's legislation [H.R. 2530]."

Again before the Senate Subcommittee on Transportation of February 1, 1984, Ray Barnhart, administrator of the Federal Highway Administration, repeated this opinion, saying that the Department has the authority to enter into restrictive agreement with the states.

III. IF LEGISLATION IS PASSED, S. 2217 MUST BE MODIFIED

Should Congress decide that legislation is necessary to allow the Secretary of DOT to restrict certain segments of the Interstate System to twin trailers, certain criteria should be met. Specifically, the burden of proof that a specific highway segment is unsafe must rest with the State Governor. In addition, it is the responsibility of the State Governor to find reasonable alternative routes.

Burden of proof is on state governors

Legislation that allows the Secretary to restrict Interstate highway miles must ensure that such restrictions are made upon sound highway engineering principles. Emotionally-based attacks on twin trailers in general cannot be a justification.

As Attachment I indicates, a majority of the research studies comparing the safety of twins and other vehicle types supports the fact that twins are safe. Of the 49,268 fatalities nationwide in 1981, only 177, or 0.36 percent, were from accidents involving twin trailers operating in 36 states, according to the National Highway Traffic Safety Administration.

Therefore, these vehicles should not be restricted from certain segments of the Interstate System simply because the operating vehicle is a twin trailer combination. It must be proven that twin trailers have unique safety disadvantages which set them apart from other vehicles.

The only criteria which should be used to restrict twins is that the highway segment itself cannot handle twins as contrasted with other trucks. Criteria to be considered include lane widths, length of acceleration and deceleration lanes, or substandard or non-existant shoulders. We do not deny that certain segments of older

Interstates do not meet Interstate design standards. But such substandard highways do not prove, ipso facto, that they cannot handle twin trailers.

In fact, it would appear that twin trailers may be better suited for such highways than the more common tractor semitrailer. For example, twin trailers off-track less than a tractor semitrailer and twin trailers are less prone to jackknifing.

Finally, the wider trailers allowed under STAA should not be treated any different from other vehicles of a similar width. There is no denying that there is a small percentage of the older Interstate segments which have lane widths of 10 and 11 feet. Yet, many of these segments have safely accommodated 102" buses since they were first allowed in 1977. If trailers of 102" are to be restricted from these highways, then all 102" vehicles, including buses, must be restricted.

State governors must find suitable alternative routes

S. 2217 recognizes the serious economic impact that will occur if certain segments of the Interstate are off limits to twin trailers. Therefore, it requires the U.S. Secretary of DOT to find suitable alternative routes. We believe, however, when a Governor submits a request for exemption, he, and not the U.S. DOT Secretary, should also submit a listing of alternative routes. Only the State Governors are knowledgeable enough of local areas to know where suitable alternative routes exist.

Further, these alternatives routes must not constitute a greater safety hazard than the restricted Interstate. Restricting twin trailers from one route could lead to diversion to inherently less safe routes. In addition, there must be a limit on circuity to avoid an increase in exposure to accidents resulting from the increased mileage to be travelled.

Exempted segments should be subject to rulemaking

S. 2217 does not allow for any public comment on whether twin trailers should be restricted from certain segments of the Interstate. We believe the public would be better served if it were allowed to comment. The Federal Highway Administration has already established an effective procedure for the designation of highways for use by twin trailers. This same procedure could be used for the restriction of highways. Such rulemaking would seek comments on (1) the restricted routes and (2) proposed alternative routes.

IV. INADEQUATE INTERSTATE HIGHWAYS CAN NO LONGER BE TOLERATED

During the debate on a comparable bill in the House, H.R. 2530, before the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation (June 14, 15, 16, 1983), evidence was presented which indicated that many older Interstate highways were seriously deficient. For example, New York City Department of Transportation described segments with lane widths of only 10 and 11 feet, acceleration lanes of less than 1,000 feet and deceleration lanes of less than 400 feet, no shoulders or substandard shoulders, and no climbing lanes. Such conditions are inherently inadequate by current standards and may lead to unsafe operations for all traffic, not just truck traffic.

These conditions did not develop with the passage of STAA. In fact, most existed prior to the passage of the Federal Highway Act of 1956. With the massive increase in funds available for 4-R projects from STAA, such conditions must no longer be tolerated or excused.

It is incumbent upon states which propose to restrict twin trailer traffic to also indicate when the conditions cited will be rectified. In other words, restricting twins should be viewed as a temporary condition until the deficiency is corrected, not a permanent situation.

V. CONCLUSIONS

The trucking industry is certainly not opposed to any restriction of truck operations which is proposed for the purpose of removing twins from highways that are inherently unsafe. We wish to avoid, and oppose, any action which substantially bans and discriminates against the operation of twin trailers and other vehicles authorized by STAA through the use of unsubstantiated safety arguments. Such actions are unwarranted because of the excellent safety record of such vehicles.

We believe that DOT currently has the authority to restrict certain vehicles from highways where they constitute a major safety impact. If a State finds that a portion of Interstate highways are unsafe, it can petition the U.S. DOT to seek an exemption without S. 2217. Such petitions, however, must be based upon fact, and not allegation. Further, they should include feasible alternative routes and should indicate what steps will be taken to rectify the unsafe condition.

ATTACHMENT I

THE SAFETY RECORD OF TWINS

The majority of research studies comparing the safety of twins and other vehicle types support the fact that twin trailers are indeed safe. Of 49,268 fatalities nationally in 1981, only 177 were from accidents involving twin trailers operating in 36 states, according to the National Highway Trafic Safety Administration of the U.S. Department of Transportation. That's only 36/100ths of one percent of the total.

Even before the Surface Transportation Assistance Act of 1982 (STAA) permitted 28-feet twins nationwide, twin trailer combinations had been operating in 36 states for many years with a proven record of safety. Numerous state highway officials have testified in court that their state's experience has indicated twin trailers to be as safe or safer than semitrailers.

In 1975, the State of Iowa surveyed the states which permitted twin trailer operations and found that there were no special safety or enforcement problems for such vehicles. The U.S. Supreme Court has twice struck down state bans on twin trailers and thereby upheld lower court rulings which held that allowing the operation of twin trailers would not adversely affect safety, and that banning their operations does not result in greater safety.

In Wisconsin the Supreme Court found that evidence on twin trailer safety to be overwhelming. The Court acknowledged that "a massive array of evidence" had been presented to disprove the state's contention that regulations against doubles equipment contributed to highway safety. The State of Wisconsin did not actively challenge the safety evidence. In the Iowa case where the safety evidence was fiercely challenged, the trial court said "the evidence convincingly, if not overwhelmingly, established that the 65-foot twin is as safe as, if not safer than the 60-foot twin and the 55-foot semi." The Eighth Circuit Court of Appeals and the United States Supreme Court affirmed the District Court in this conclusion.

The most comprehensive safety study whose results were recognized by the court was conducted by the U.S. Department of Transportation's (DOT) Bureau of Motor Carrier Safety (BMCS) in 1977. It compared accidents, injuries, and fatalities per mile over eight years and two billion miles of operation for both semi and twin trailer equipment. In each category the twins were statistically superior.

A 1973 study by the California Highway Patrol found "the number of accidents per million miles of travel (0.5) was very low for both doubles and tractor-semitrailers." A 1978 California study entitled "Comparison of California Accident Rates for Single and Double Tractor-Trailer Combination Trucks" states that "there was no significant difference between the number of doubles and singles accidents or the number of injuries per million miles (MVM) of travel."

In 1981, the Highway Safety Research Institute (HSRI) (now the Transportation Research Institute) of the University of Michigan (UMTRI) released a study entitled "A Comparison of Accident Characteristics and Rates for Combination Vehicles with One or Two Trailers." The study found that "most studies based on accident statistics show little difference in the overall accident rate of singles and doubles." The study found that twin trailers had a lower percentage of involvements with other vehicles, a lower proportion of jackknives and, in general, lower fatality/injury rates per accident than vehicles with one trailer. The study emphasizes that differences in trip length and trailer configuration (e.g. van, tank, flatbed) are apparently of much greater signficance as factors in accident involvement rates than differences between the number of trailers in a combination (i.e. "singles" vs. "doubles").

A recent National Highway Traffic Safety Administration (NHTSA) publication, Large-Truck Accident Causation (July 1982) (LTAC) reviewed many of the safety studies completed over the past 15 years. The authors of this study say:

"Nine studies have compared the records of single-trailer and double-trailer combination trucks. Four of these have indicated that double-trailer combinations are less frequently involved in accidents but noted that this could be the result of stricter operational conditions such as the employment of more experienced drivers or the safer highway environments in which they were observed. Three studies, two in the early 1970s and one in 1979, have found no differences between accident involvement for single- and double-trailer trucks, and two other studies have shown that double-trailer tucks tend to experience both higher accident rates and higher injury and fatality rates (LTAC, p.x)."

In their review, NHTSA listed each study as if it were an equally weighted bit of evidence on one side or another of the issue. They show little regard for the signficant variations in the quality of transportation safety research investigations and the differing significance of their results. Providing a tally of the number of studies on one side or the other without regard for research quality provides the reader with the wrong impression. For example, the "two other studies" showing higher rates for doubles should not be included in the tally at all.

One of the studies that found higher rates was the "BioTech Study" [1] which was so seriously flawed that the rate-related conclusions are invalid. The study has been discredited by many different organizations and is not relied upon by knowledgeable persons in the truck safety field. Analysis of the study by the Transportation Systems Center of the U.S. Department of Transportation raised questions about the adequacy, accuracy and representativeness of the BioTech Study. The University of Michigan Transportation Research Institute pointed out that the states which were selected for the study are not representative of truck transportation nationally; that the sites selected were not representative; and that the methods of counting traffic to determine exposure to accidents were faulty. In sworn testimony in Federal court, the Midwest Research Institute has pointed out many failings of the study and the "uselessness" of the exposure data.[2]

The BioTech Study analyzed 2,112 accidents, only 200 of which involved twin trailers. Ninety-five percent of the twin-trailer data for the study were from California truck operations and fifty-three percent of the twin-trailer accidents occurred at only three sites. One site was a montain pass. A second site called "The Grapevine" is the steepest, longest mountain grade in the nation. The third site was the Oakland Bay Bridge, which has a traffic count of 184,000 vehicles per day. The study contractor stated that the study is not nationally representative. The selection of sites shows that the study is not representative even of California, let alone representative of the nation.

The BioTech Study counted accidents which occurred day or night, in any lane of traffic, and in both directions of travel. Collection of traffic counts to determine exposure to accidents was much more limited. Most counts were on an eight-hour basis and of traffic in only one direction. Many times, the count relied on use of automated cameras which did not function properly during most of the study and which counted only vehicles in one lane of one direction of traffic in daylight. The study methods were bound to result in badly skewed rates of accidents because the exposure data were so inaccurate—in fact "useless" as Midwest Research Institute testified in court.

The other study that NHTSA said found higher rates for doubles was performed by what is now the University of Michigan Transportation Research Institute.[3] It should not be used in twins-singles comparisons according to the testimony in court by an UMTRI representative because the study focused on types of brakes used on vehicles rather than on the safety records of vehicle types. Consequently, the sample was purposefully biased toward a particular group of trucks (those with FMVSS 121 brakes).

Given the fact that the BioTech Study and the FMVSS 121 Study must be excluded from any discussion of the safety of doubles vs. singles, there are no longer any studies reviewed by NHTSA that found higher rates for doubles. Adding to the overwhelming evidence in favor of the safety of twins are new data released by DOT after the NHTSA study was published. In June 1983 the Bureau of Motor Carrier Safety reported, as part of an ongoing study, that tractor-semitrailers have a record of 1.12 accidents per million vehicle miles over the twelve-year period of the study compared to a lower rate of 0.785 for twin trailers. One month later, in July 1983, BMCS released a report based on a survey of 99 motor carriers and 3.5 billion miles of truck transportation in 1982 which shows that tractor-semitrailers have 1.14 accidents per million miles of travel compared to 0.70 accidents per million miles of travel for twin trailers.

The record of past Federal and institutional research supports the safety of twins as do major insurance companies who insure both twins and semitrailers. Insurance companies have uniformly found twin trailers to have the same or slightly lower casualty experience as semitrailers. The following excerpts from testimony in the landmark Iowa case were very revealing:[4]

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[1] Vallett, G. R.; McGee, H. W.; Sanders, J. H.; and Enger, D. J. "The Effects of Truck Size and Weight on Adccident Experience and Traffic Operations," "Volume III: Accident Experience of Large Trucks." FHWA/RD-80/137. Washington, DC: FHWA, DOT, July 1981.

[2] Glauz, William. Testimony in *Consolidated Freightways* v. *Pennsylvania*. Exhibit: "Witness: W. Glauz CF PT-1182," June 29, 1982.

[3] Campbell, K. L., and Carsten, O. "Fleet Accident Evaluation of FMVSS 121." Final Report. UM-HSRI-81-9. Ann Arbor, MI: HSRI (now UMTRI), August 1981.

[4] "Sixty-Five Foot Twin Trailers on Iowa Highways," Iowa Department of Transportation, April, 1975, *Kassel* v. *Consolidated Freightways*, 67 L. Ed. 2d 580 (March 24, 1981) Appendix p. 594-595.

As a loss prevention specialist, I wish to comment on the relative safety of twin-trailer truck combinations. Our company's statistics show that the safety record of twin trailers is even better than that of conventional equipment.—James B. Spice, Vice President-Loss Prevention, Carriers Insurance Company, Des Moines, Iowa.

We make no distinction whatever in rating our power vehicles for liability as to tractors with one or with two trailers. We make no distinction under our ratings for tractor-trailer units for width, weight, or length.—John Sullivan, Regional Commercial Manager, Truck Underwriters Association and Truck Insurance Exchange, Kansas City, Kansas.

The fleets that we insure have consistently reflected lower accident frequencies with their twin trailer operation than they have with their conventional equipment.—R. G. Begeman, Vice President, Transport Insurance Company, Dallas Texas.

From a purely statistical point of view the use of doubles has no effect whatever upon liability insurance rates—in fact they ultimately will reflect a reduction in rates since operators can have the advantage of operating shorter equipment in congested areas.--Mike McCrary, Vice President/General Manager, Carriers Insurance Company, Des Moines, Iowa.

Our Safety Department unequivocally feels that doubles are safe and efficient and that they pose no additional safety hazard to the motoring public. During the period that doubles have been introduced in the west, the overall safety record of fleets insured by Transport has been amply demonstrated by the fact that their insurance rates have been consistently lowered. The bulk of our accounts are basically on a cost-plus insurance program and this reduction in rate is a direct reflection of improved safety in operation—Robert W. Stevenson, President, Transport Indemnity Company, Los Angeles, California.

Because only four twin trailer combinations are needed to transport the same volume of freight hauled in five tractor-semitrailer combinations, the extension of twin trailer operations in additional states offers the potential for a reduction in the total number of combinations on the road with attendant reduction in truck traffic volume. Twin trailer operations will be conducted primarily on Interstate and on other designated highways which are well able to accommodate the equipment without adverse effects on the motoring public. The truck-tractors used as power units are basically the same as the truck-tractors used in tractor-semitrailers with respect to steering, braking, gear shifting, visibility and parking. Twin trailers track better through turns and on ramps than do tractor-semitrailers. Concern has been expressed that the greater overall length of twin trailers requires additional time for passing and is hazardous to the drivers and passengers of today's smaller cars. In the legal proceedings that led to the striking down of the twin trailer bans in Wisconsin and Iowa, the court considered testimony that it does take longer to pass a 65-foot twin unit than a 55-foot tractor-semitrailer. In actual passing maneuvers, the driver of the faster vehicle is usually accelerating throughout the maneuver. The speed difference between the two vehicles would be greatest toward the end of the passing maneuver. If, at that point the difference in speed is 10 miles per hour, the actual time difference to pass would be only ⅔ of a second more for the additional 10-foot length of a twin trailer unit.

[The following information was subsequently received for the record:]

QUESTIONS OF THE MINORITY AND THE ANSWERS THERETO

Question 1. In your testimony on S. 2217, you state that in requesting an exemption from the national truck route network, the Governor should be required to submit a list of alternative routes and that only Governors are knowledgeable enought to know where suitable alternative routes exist. Does this mean that ATA believes that legislation should limit DOT to selecting only from the Governor's list of routes, regardless of other considerations? What steps should be taken to ensure that the list of alternative routes will realistically handle the diverted traffic without interfering with interstate commerce?

Answer. In answer to Question #1, ATA does not believe that legislation should limit DOT to selecting only from a Governor's list of alternative routes, regardless of other considerations. We have recommended that the exemption of highways and designation of alternative routes should be a matter of rulemaking to allow for public comment.

Such rulemaking should begin with a Governor's request for exemption of a highway and the Governor's listing of proposed alternative routes. ATA does not mean to imply that a Governor has the sole knowledge of which routes in a state might be suitable for designation as alternatives, but we believe that the Governor will be generally more knowlegeable than the Secretary of Transportation about possible alternative routes in the state.

The rulemaking procedure should provide an opportunity for input by truck operators and by the staff of the Federal Highway Administration of DOT. Truck operators usually are knowledgeable about routes and so they should have an opportunity to submit their recommendations and to comment on routes proposed by a Governor. The FHWA staff will have knowledge about the suitability of many highways as alterntive routes, and should, therefore, be required to provide input for the selection of alternative routes.

The rulemaking process must begin with a proposed list of alternative routes, and we feel that the Governor is in the best position to provide such a list. The alternative routes selected through the rulemaking process may not closely resemble the listing provided by the Governor, but they will undoubtedly assure a high level of safety and practicality as a result of the rulemaking process and the input of various groups with knowledge and interest in the matter.

We feel that the rulemaking process will help ensure that the alternative routes will realistically handle the diverted traffic without interfering with interstate commerce. In addition, the Secretary should be directed to establish criteria for alternative routes that will assure a higher level of safety than would be provided by the exempted route, and which will place a limit on time and mileage circuity of the alternative routes so that interstate commerce is not interfered with.

Question 2. The Department of Transportation recommended that the Committee consider giving the Secretary authority to propose tandem trailer exemptions on her own. What is ATA's position on such a proposal?

Answer. In answer to Question #2, as indicated earlier, we feel that the Governor of a state will be generally more knowledgeable than the Secretary of Transportation about the road system in that state. Therefore, we do not think it appropriate that the Secretary be given the authority to propose tandem trailer exemptions. If a given highway is considered unsafe by the Secretary, that fact and the reasons, therefore, can be made known to the Governor of the state. If the Governor agrees with the assessment by the Secretary, then the Governor can initiate a proposal for exemption and for alternative routes.

Senator DANFORTH. Thank you, sir. Mr. Clapp?

Mr. CLAPP. Good morning, Mr. Chairman. My name is Joseph M. Clapp, and I am senior vice president of Roadway Express. Roadway is headquartered at 1077 Gorge Boulevard, Akron, Ohio, and is one of the Nation's largest motor common carriers of general commodity freight. My company operates in all 48 contiguous States and Alaska, and provides service to the public through a terminal network of over 520 facilities.

Mr. Chairman, I am pleased to have the opportunity today to testify on proposed changes to the STAA concerning restrictions on certain segments of interstate highways and other related issues. Because Roadway has initiated a $200-million fleet conversion program to twin trailer equipment, we have been an active participant throughout the entire Federal highway designation process.

We have worked with both Federal and State officials as they have attempted to balance the requirements in STAA for a national system of highways with the concerns of States and local communities over control of commercial vehicle traffic, particularly in congested urban areas.

It is our observation that as officials of FHWA have worked to implement the size and weight provisions of STAA they have coordinated their efforts with State and local officials. It was not easy in every case.

It is useful to remember that within months after passage of STAA agreement on specific highway designations has been achieved with 45 States and the District of Columbia, and most recently it is our understanding that FHWA has now reached agreement with the 5 remaining States. We think that this represents solid evidence that a balance has been achieved between the need for a workable national system of highways and the concerns of local officials.

However, we recognize that problems remain in certain areas. One such area is the problem associated with segment of interstate highways which are below normal design standards. S. 2217 would allow the Secretary of Transportation to exempt certain segments of the Interstate Highway System from large truck requirements authorized under STAA.

Frankly, we are confident that twin trailers can not only pass any fair and objective test for highway safety but may, in fact, prove better suited for such highway segments. We do, however, recognize that additional input from the States and local communities in this area may be desirable.

It is for this reason that we are supportive of the approach outlined in S. 2217. Generally individual States and localities are in the best position to evaluate their highway network. We do not view S. 2217 as a radical departure from the procedures already adopted to evaluate highway designations.

As we understand the proposal, States and local municipalities can request that a segment of interstate highway be excluded from the national designated highway network because it cannot safely accommodate the larger vehicles. Those requests must be based upon sound highway engineering principles and not simply a generalized dislike for a particular type of equipment. It also will be incumbent upon the States to identify alternative highway routes that can safely accommodate the larger vehicles.

Finally, it is our understanding that the ultimate determination will rest with FHWA. Thus, this bill is a reasonable approach to a specific problem that takes into account the legitimate concerns of local officials while maintaining adequate safeguards necessary for interstate commerce.

Mr. Chairman, at the heart of this legislative initiative is a concern for highway safety and local traffic congestion, particularly in urban areas. As Congress considers amendments to STAA addressing some of these concerns, we have identified another problem that if properly addressed can have an important impact on improving highway safety and relieving traffic congestion.

The problem relates to restrictions on the use of individual 28-foot by 102-inch trailers in local pickup and delivery service. If such a single trailer—and I emphasize "single trailer"—can be used in local pickup and delivery rather than the standard 45-foot semitrailer there will be a substantial improvement in traffic operations in many localities.

Although the STAA's national uniform equipment standards were carefully drafted to promote productivity while maintaining operational safety, one significant problem requiring legislative action has emerged from our day-to-day experience under the new law. The problem lies in local delivery service, and it is our hope that Congress can address it and in the process to enhance further both safety and productivity.

At the present time we attempt wherever possible to use the same equipment for local pickup and delivery service as we do for the over-the-road operations. This is done to avoid costly rehandling of freight at our terminal facilities.

Consequently, for approximately 75 percent of our local pickup and delivery operations we currently use a standard 45-foot semitrailer. With the introduction of twin trailers in our fleet we envision using the single 28-foot "pup" trailer as a local P&D vehicle, thus replacing the longer 45-foot trailer.

Unfortunately, the access provisions of STAA do not clearly authorize the use of this more benign or friendly vehicle in local service. With clear authority to use this equipment in pickup and delivery, the STAA standards will result not only in safer highway operation but also in less traffic problems where deliveries must be made.

In order to correct this problem, a technical amendment to the act is required to insure access to points of loading and unloading for specific or single 28-foot trailer units of 102 inches in width. The intercity bus and the typical transit bus are 102 inches in width. These buses have virtually universal access, but the STAA reforms failed to include comparable access guarantees for motor carrier equipment of the same dimension.

We believe this is a reasonable approach and one that will afford benefits by improving safety and relieving local traffic congestion.

Thank you very much, Mr. Chairman. I appreciate the opportunity to be here, and I will be glad to answer any questions. I would like to think that we are a part of the solution rather than part of the problem.

And if I can gratuitously offer—your question about the map this morning, quite frankly if we are able to use twin trailer equipment and then break them down for pickup and delivery we think that you will see fewer instead of more of the accidents depicted on there.

Senator DANFORTH. OK. I am sorry. There is a vote now on the Senate floor, and I am going to have to leave for the vote, but I will be back in about 10 minutes or so; and then, Mr. Henderson, we will hear from you.

[A brief recess was taken.]

Senator DANFORTH. Mr. Henderson.

Mr. HENDERSON. Yes, Mr. Chairman?

Senator DANFORTH. Sorry to keep you waiting.

Mr. HENDERSON. That is all right.

My name is Richard D. Henderson. I am executive vice president of the Private Truck Council of America. With me today is our legislative counsel, Richard Schweitzer.

The Private Truck Council of America represents the interests of approximately 1,800 corporations engaged in private carrier operations, that is, the transport of one's own goods in furtherance of a nontransportation primary business.

From informal discussions that we have had with the DOT on the subject early on we thought that it had the authority to carry out the concepts discussed here this morning. However, I think as the issues have evolved, clarifying legislation is needed, and we do basically support the bill that is before this committee.

Before I get into some suggested amendments that we have to this bill, by way of introduction I would like to just briefly comment or allude to some of the problems that still remain in the implementation of the productivity provisions of the 1982 STAA with respect to the Federal primary highways.

The main reason there is a problem there is that a final rule setting out the designated routes in all of the States, I think as you may well know, was to be in place by October 3, 1983, and we are still quite a ways off from that final rule.

Now, in fact, there are five or more States in which lawsuits are pending, so I just want to remind the committee that that issue is far from settled, and within that framework we now approach the particular issue before the committee today, and so that explains why we are offering these amendments, and we would suggest to the committee with respect to S. 2217 some very specific procedures whereby de-designation would take place.

Now, I will go through the three suggestions that we have. No. 1, the Secretary should give notice and establish a period of public comment on any de-designation requests received from a Governor. The notice should state the segment under consideration and all evidence supporting the request. This would allow both highway users and their customers to have input into any possible interstate de-designation.

No. 2, the Secretary should make any de-designation only after finding a unique and compelling local safety need, and that the de-designation would not place an undue burden on interstate commerce. This provision would require individual examination of each State request and hopefully lessen the likelihood of any blanket de-designation, and also to deal with the concern expressed whereby pressure groups in a State prevailing on the Governor to make such a request may not be justified.

In other words, we think that perhaps the best way to guard against this is to set up these procedures. If it is a frivolous request, it should be considered as such. If it is a close call where the experts are needed, then the evidence hopefully will be revealed in the process, and an objective determination will be made.

And, third and finally, one issue which has already been spoken to this morning I think rather effectively. The alternative routes should be considered and designated to the degree possible prior to the de-designation of any existing interstate route so that service is not interrupted by the Secretary's action.

I think in summary that constitutes our comments on the bill before the committee, Mr. Chairman. Thank you.

[The statement follows:]

STATEMENT OF RICHARD D. HENDERSON, EXECUTIVE VICE PRESIDENT, PRIVATE TRUCK COUNCIL OF AMERICA, INC.

Mr. Chairman and members of the subcommittee, my name is Richard D. Henderson. I am Executive Vice President of the Private Truck Council of America. With me today is our Legislative Counsel, Richard Schweitzer.

The Private Truck Council of America represents the interests of approximately 1,800 corporations engaged in private carriage operations, i.e., the transport of one's own goods in furtherance of a non-transportation primary business. Our membership includes many Fortune 500 companies as well as numerous smaller concerns.

We are here today to discuss a possible retrenchment of the productivity gains granted the trucking industry by the Surface Transportation Assistance Act of 1982. Before addressing the merits of the bill under consideration, we wish to speak to the implementation of these productivity provisions since enactment of the STAA.

IMPLEMENTATION OF THE NATIONAL NETWORK

The STAA required the Secretary of Transportation to establish a national network of Interstate and designated federal-aid primary highways on which carriers could operate 48 foot long, 102 inch wide semi-trailers, 28 foot long tandem trailers, and 80,000 pound combinations. A final rule setting out the designated routes in all 50 states was to be in place by October 3, 1983.

However, to date there has been no final rulemaking regarding the national network. A proposed final network for 45 states, the District of Columbia and Puerto Rico was published September 14, 1983, and for the other five states on February 28, 1984. These same five states—Alabama, Florida, Georgia, Pennsylvania and Vermont—each have pending suits in U.S. District Court to resist enforcement of the federally designated system.

In addition, the STAA required the states not to deny reasonable access between the national network and terminals, facilities for food, fuel, repairs, and rest, and points of loading and unloading for household goods carriers. Rather than establishing a federal definition of reasonable access, though, the Secretary has allowed the states to establish individual provisions for access to the national network.

This non-uniformity of access has resulted in a tremendous burden of unpredictability in interstate operations. In the September 14, 1983 Federal Register, the FHWA published the latest available table of state access provisions. Eighteen states allow unlimited access; yet, Pennsylvania permits access only 0.2 miles from the network (except by permit), two other states allow only 0.5 miles, others from one to ten miles, and 13 states had no policy at all.

Thus, the trucking industry faces a monumental increase in user fees beginning July 1, 1984, while the corresponding productivity gains have largely failed to materialize. Carriers must petition one or more state administrators for permission to operate on virtually any route to and from terminals and other points of pick-up and delivery. This situation is particularly acute for private carriers, whose customers are frequently located not in terminals nor on routes near the designated system of highways. It is within these parameters that the committee now considers a bill to further restrict the federally mandated size, weight and tandem trailer provisions.

S. 2217—THE "TANDEM TRUCK SAFETY ACT OF 1984"

This bill purports to allow the Secretary of Transportation, after a request from the governor of a state, to exempt segments of the Interstate and Defense Highway System from the national network for the purposes of operating longer or tandem trailers. The bill's supporters assume the STAA authorizes the Secretary to de-designate non-Interstate segments of the national network if those segments are found not capable of safely carrying the prescribed vehicles, but does not grant authority to de-designate unsafe segments of Interstate highways. S. 2217 was introducted to fill this apparent administrative gap.

Yet, the Federal Highway Administration asserts that no such gap exists, and that it presently holds sufficient authority to administratively allow state and local jurisdictions to provide safety restrictions on the Interstate System. The following is a quote from a letter by Federal Highway Administrator Ray Barnhart in response to a request by Reps. James J. Howard and Barbara Kennelly to restrict tandems on certain Interstate segments in Connecticut (the full text of the request and Mr. Barnhart's response are attached to this testimony):

" . . . We believe that the FHWA has the administrative authority, without further legislation, to allow the police power of States and autonomous local jurisdictions to provide for necessary safety restrictions on Interstate System usage.

"For example, States and local jurisdictions may continue to prohibit vehicles authorized under Sections 411 (a) and (c) of the STAA if commercial motor vehicles were prohibited prior to January 6, 1983. On other Interstate sections, operating restrictions may be imposed during certain peak hours of travel or on specific travel lanes of multi-lane facilities. Other restrictions related to construction zones, seasonal operation, or structural or clearance deficiencies may be imposed and enforced. Finally, States and local jurisdictions may restrict urban Interstate usage by large trucks by imposing and enforcing detours to circumferential or bypass Interstate routes for vehicles not destined to locations within the area to be bypassed. The FHWA does propose that signing for exceptional conditions such as operational restrictions or restrictive geometrics be installed, as appropriate."

According to the FHWA, then, S. 2217 is an unnecessary pronouncement of authority to promote safety under the provisions of the STAA. PTCA agrees with the FHWA's position, both as to its assessment of existing authority and to the prefer-ability of operating restrictions over outright banishment of tandem trailers on certain highways.

Hours of operation restrictions are less burdensome to motor carriers, and allow necessary flexibility in routing and delivery service. PTCA is genuinely concerned with the safe operation of all vehicles on the highways, but we feel that outright prohibition of any type of vehicle should be undertaken only after all plausible alternatives are exhausted.

Should the Congress decide that S. 2217 would provide the Secretary with new and necessary authority, we request a number of amendments be adopted:

(1) The Secretary should give notice and establish a period of public comment on any de-designation requests received from a governor. The notice should state the segment under consideration, and all evidence supporting the request. This would allow both highway users and their customers to have input into any possible Interstate de-designation.

(2) The Secretary should make any de-designation only after finding a unique and compelling local safety need, and that the de-designation would not place an undue burden on interstate commerce. This provision would require individual examination of each state request, and lessen the likelihood of blanket de-designation of "comparable" segments after a precedent is established.

(3) Finally, alternative routes should be designated prior to de-designation of an existing Interstate, so that service to a particular area is not harmed by the Secretary's actions.

We applaud the committee's commitment to truck safety, as evidenced by this bill and S. 2174, and we look forward to working with the committee to make the highways safe for efficient trucking operations.

FEDERAL HIGHWAY ADMINISTRATION,
Washington, D.C., August 12, 1983.

Hon. JAMES J. HOWARD,
House of Representatives, Washington, D.C.

DEAR MR. HOWARD: Your June 17 letter to Secretary of Transportation Elizabeth Hanford Dole, jointly signed by Representative Barbara B. Kennelly, stated that you understood it was within the authority of the Secretary to prohibit tandem trailers on certain segments of the Interstate System. You urged this prohibition to protect the safety of the driving public on I-84, I-91, and I-95 in the State of Connecticut.

Your letter contained a quote from a portion of the Supplementary Information in the Federal Highway Adminstration (FHWA) Notice of Policy Statement in the April 5 Federal Register. The operating restrictions to which you refer are those permitted the States in their policing responsibilities. We believe that the FHWA has the administrative authority, without further legislation, the allow the police power of States and autonomous local jurisdictions to provide for necessary safety restrictions on Interstate System usage.

For example, States and local jurisdictions may continue to prohibit vehicles authorized under Sections 411(a) and (c) of the STAA if commercial motor vehicles were prohibited prior to January 6, 1983. On other Interstate sections operating restrictions may be imposed during certain peak hours of travel or on specific travel lanes of multi-lane facilities. Other restrictions related to construction zones, seasonal operation, or structural or clearance deficiencies may be imposed and enforced. Finally, States and local jurisdictions may restrict urban Interstate usage by large trucks by imposing and enforcing detours to circumferential or bypass Interstate routes for vehicles not destined to locations within the area to be bypassed. The FHWA does propose that signing for exceptional conditions such as operational restrictions or restrictive geometrics be installed, as appropriate.

Although we are unable to agree to the outright banishment of these larger vehicles on the Interstate sections you have identified, we will be most happy to work with the Connecticut Department of Transportation to develop appropriate operating restrictions.

We appreciate your working with us to develop a final system that is safe and responsive to the intent of Congress and hope you find this information helpful. An identical letter has been sent to Representative Kennelly.

Sincerely yours,

R. A. BARNHART,
Federal Highway Administrator.

House of Representatives,
Washington, D.C, June 17, 1983.

Hon. Elizabeth Dole,
Secretary, Department of Transportation, Washington, D.C.

Dear Madame Secretary: It is our understanding that under current law it is within your authority to prohibit tandem trailers, at least temporarily, on certain segments of the Interstate highway system to protect the safety of the driving public.

Now that the Federal District Court has enjoined the State of Connecticut from enforcement of its ban on tandem trailers, we believe you should immediately exercise your existing authority to restrict tandems on particularly dangerous segments of the Interstate in Connecticut, where—in the words of the FHWA's April 5th rulemaking—there may be "documented safety, structural integrity, or major traffic capacity problems."

In the state of Connecticut, the segments of particular concern include: the incomplete (I-84/I-91 interchange in Hartford, the I-95/I-91 interchange in New Haven, the segments of I-95 in Fairfield County where there is severe congestion, resulting from densely located access ramps and toll booths, and the entrance of Route 2 into I-84.

We are certain there can be accommodations made that will both protect the public safety and insure the smooth functioning of our nation's transportation system at its most productive level. Again, we urge you to take action promptly on the safety problems existing on Connecticut's highways and thank you in advance for your consideration.

Sincerely,

Barbara B. Kennelly,
Member of Congress.
James J. Howard,
Member of Congress.

Senator **Danforth**. Thank you, gentlemen.

Are you concerned that if the procedure is too informal the result will be that Governors will yield to the demands of organized constituents and editorial writers and the Department of Transportation will say fine, and that the commerce will be really seriously interfered with. Is that the reason for the suggested procedural tightness of the bill, requirements of alternate routes and so forth? Is that really an antidote to the foreseen problem of just chaos in the transportation in the Northeast?

Mr. **Henderson**. Yes, if I may answer briefly and then I am sure you will want to hear from the others.

Yes, Mr. Chairman, I think you summarized it exactly. I do not think we have to be hesitant in admitting any time this issue comes up it is an emotional issue, and no matter what side of the issue you are on I think there should be a procedure which hopefully can allow a rationale approach in an objective fashion. But you are exactly right.

Mr. **Schweitzer**. If I may second that, Mr. Chairman, I would direct attention to Senator Lautenberg's comments this morning about not being shut out of the decisionmaking process. The bill as it is drafted now envisions a process strictly between the Governor of a State and the Secretary of Transportation. All we are requesting is that other directly affected parties have some input into the decisionmaking.

Mr. **Johns**. Mr. Chairman, to repeat our point, S. 2217 does provide that if the Secretary grants an exemption then the Secretary must seek out the alternative routes, and we feel that the proper substitute for that would be to have the Governor determine the alternative routes when he comes in with the request for an exemption.

Senator DANFORTH. Why?

Mr. JOHNS. We think the Governor is more knowledgeable about the various routes that may be available, has better contact with the communities and towns and cities within his State, and could thereby come up with a route that is more appropriate as an alternative.

This reflects a basic philosophy, I might add, that we have had in connection with hazardous materials transportation. We have taken the position at American Trucking Association that there should be Federal guidelines for the selection of hazardous material routes, but the actual selection of routes should be by the States and by the Governors.

Senator DANFORTH. Do you see a possibility of this effort backfiring? That is, do you see a possibility that, particularly in the Northeast, if we were to pass this bill Governors would be under great pressure to communicate with the Secretary of Transportation and then that DOT would perhaps yield to those requests and that the effect would be really a serious interference with your interstate commerce?

Mr. JOHNS. I believe—it is our view that there could be a tremendous rash of these requests and tremendous pressure upon the Governors, but we believe that if legislative procedure is properly established then the Department of Transportation will make its judgments based upon safety and not upon emotional appeals.

Mr. CLAPP. It seems to me, Mr. Chairman, that if a restrained approach is not followed by all the parties to this proposition then we are here supporting the concept at great risk.

Senator DANFORTH. Does that concern you?

Mr. CLAPP. I hope that we are demonstrating good faith by supporting the concept because theoretically——

Senator DANFORTH. Are you swallowing very hard or sort of throwing a little bit of meat to the tiger in hopes that it will satisfy him or what?

Mr. CLAPP. I guess my primary concern is the notion that we cannot allow these things to run willy-nilly as though there is something inherently bad about these things, and that is what we would like to address. As long as everybody will deal with it on a reasoned and factual basis we are OK; and we are willing to support that.

And I meant to make my offer during my testimony, and I just forgot to. We developed a video tape, and we were asked by the committee staff to show this at a recent field hearing on truck safety, which graphically demonstrates that we are talking about, is the operation of twin trailers at 28 by 102 inches not only on urban highways but downtown urban interstates, if you will, and in addition to that the same kinds of equipment that is currently authorized everywhere, which I would like to make the offer now to—for the Committee to see at its pleasure, which I think will be of considerable assistance in showing graphically what we are talking about.

Senator DANFORTH. OK. Thank you. Do you think that tandem trucks should operate on the Brooklyn-Queens Expressway?

Mr. CLAPP. Yes, I do, Mr. Chairman. I will tell you why. They are not inherently dangerous, and before we are permitted to access our terminal we go right over the Brooklyn-Queens Expressway, and it is there because the people in Brooklyn and Queens and Manhattan have got to have the goods for their lifestyle.

We will in fact reduce congestion because we will be operating fuller vehicles and because we will operate fewer line-haul vehicles. And I do not make that argument just out of some paper sense that we can move the same amount of freight with fewer vehicles.

The fact of the matter is that if we cannot operate twin trailers at 102 inches and use individual ones for pickup and delivery we will have to order 835 more trailers than what our current order really is, just in order to move the same amount of freight. We also have calculated that we would have had 80 fewer accidents in 1983 in our fleet if we had been a full twin-trailer fleet than we did have.

Senator **DANFORTH**. Yes, sir.

Mr. **JOHNS**. Mr. Chairman, as Mr. Clapp indicated, we feel that there would be fewer vehicles traveling the expressways and the interstates as four twin trailers hauling low density or medium density freight will take the place of five tractor-trailers. That results in a reduction of exposure. However, if we end up having to travel circuitous routes, then the exposure to accidents will increase.

We have made a quick judgment that bypassing New York City on a trip from Boston to Philadelphia will take us down the Massachusetts Turnpike, to the New York Thruway to Albany, to Interstate 84, and then to Philadelphia, and all of the safety gains and all of the productivity gains from the use of twin trailers would be lost.

Senator **DANFORTH**. Gentlemen, thank you very much for your testimony.

Next we have Mr. John Archer, American Automobile Association, and Dr. Gerald Donaldson, Center for Auto Safety. Mr. Archer?

STATEMENTS OF JOHN ARCHER, MANAGING DIRECTOR, GOVERNMENT AFFAIRS DEPARTMENT, AMERICAN AUTOMOBILE ASSOCIATION; AND GERALD DONALDSON, CENTER FOR AUTO SAFETY

Mr. **ARCHER**. Thank you, Mr. Chairman. On behalf of 23.8 million Americans I appreciate the opportunity to appear today, and I submit our testimony for the record. Most of everything we wanted to say has been said, so I will not belabor those points. I will just make three points that were raised as the other testimony proceeded.

The first one deals with the reasonable access. The second one deals with the potential burden of commerce; and the third one concerns which vehicles should be covered by the bill.

First of all, we believe the bill should cover 48-foot trailers and all vehicles 102 inches wide, as well as tandems. As a matter of fact, we suspect that the 48-foot trailer will be an even bigger problem than the tandems. It has severe off-tracking problems. We have a film produced by the California Transportation Department, and it shows very, very severe off-tracking problems. We would be delighted to show it to the committee at any time.

The question of widths also raises a serious question. The minute you get off 12-foot travel lanes you are going to have severe problems; and we just think that is inherent with vehicles 102 inches wide.

We are very disturbed by the amendment that was suggested regarding reasonable access. We think that the safety benefits derived from limiting the national truck network will be destroyed if the concept of reasonable access is expanded to include point of pickup to point of delivery.

Reasonable access was never intended as a loophole allowing travel to every conceivable destination. Rather, it is the recognition, in our view, of the necessary needs of the trucker to obtain food, fuel, lodging, or to get to his terminal.

The last point I wanted to just briefly touch on concerns the needs of commerce. We recognize that the needs of commerce are legitimate concerns. But there is a conflict between safety and commerce. You just cannot get away from that. To the extent that reasonable people can compromise and negotiate that is all to the good.

But when there is a conflict between safety, and economics and commerce, we strongly believe that safety should prevail; for us that is the bottom line. When people say that they are going to have a problem, a circuitous route, what they mean is that their trucking company will have a problem.

There are lots of large vehicles that quite legally go through New York City every day and through Connecticut and on to Boston; and they can continue to do that regardless of what action you take.

The question is whether or not these large-sized vehicles mandated by STAA can proceed through New York City and other congested urban areas. If there is a way to do that, that is great. But if there is no way to do that, then the bottom line, I think, is that safety should prevail.

Thank you for the opportunity to appear.

[The statement follows:]

STATEMENT OF JOHN ARCHER, MANAGING DIRECTOR, GOVERNMENT AFFAIRS DEPARTMENT, AMERICAN AUTOMOBILE ASSOCIATION

Mr. Chairman, I am John Archer, Managing Director of Government Affairs for the American Automobile Association.

The American Automobile Association, serving more than 23.8 million members, appreciates this opportunity to comment on S. 2217 the "Tandem Truck Safety Act of 1984."

Triple A believes it essential that the national truck network established by the Surface Transportation Assistance Act of 1982 be sufficiently limited to preserve highway safety. Longer, wider, and heavier trucks should not be allowed to use roads for which they were not designed, regardless of the alleged economic justification.

In establishing the national truck network Congress intended to preserve public safety. That concern is reflected in the language of subsection 411(e)(1) which clearly indicates the intent to exclude from the truck network any given Federal-aid Primary road that could not safely accommodate the larger vehicle combinations mandated by the STAA.

Obviously, safety also should be a top priority with respect to the Interstate System. Under current law, however, even if local, state, and federal officials all agree that a particular Interstate segment is unsafe for longer, wider, or tandem trucks, they would still be prohibited from removing that segment from the federal trucking network unless truck traffic had previously been limited by prior law or regulation. AAA believes this is unreasonable and should be changed.

AAA strongly urges the adoption of S. 2217, Senator Moynihan's amendment to the STAA to provide an exemption for specific Interstate segments by the Secretary of Transportation at the request of a state governor after consultation with local government. Passage of this legislation will assure that state and officials have input into federal decisions concerning the safety of Interstate segments in their own area.

SUBSTANDARD INTERSTATE SEGMENTS

In the past it has been too readily assumed that the highways comprising the Interstate System are of uniform design standards. While this is generally true, many Interstate highway curves and interchange ramps were built long before use by 48-foot trailers was envisioned.

The 48-foot trailer can pose tracking problems because the turning radius exceeds that commonly used in highway design of past years. When a 48-foot trailer is operated on highways of the older design, the trailer will move out of its lane on curves and at interchanges. This can result in collisions with vehicles in adjacent lanes or destroy signs and other roadside hardware.

Many substandard Interstate roads are found in Northeast urban areas. By way of example, much of New York City's interstate Highway System was built before 1956. Current standards dictate that Interstates be built with minimum lane widths of 12 feet, yet some of New York City's Interstates have lane widths of only 10 and 11 feet. Site distances are substandard, acceleration and deceleration lanes are too short or non-existent, overhead clearances are posted below 13½ feet and shoulders are substandard or missing altogether.

Another example can be found in the Los Angeles, California area. Of 348 center line miles on segments of Interstate Routes 5, 10, 110, 210, 405, and 605, approximately 37.4 center line miles have travel lane widths of less than 12 feet. Insufficient lane width is a critical concern because the STAA, as amended by Public Law 98-17, virtually sets 102 inches as the width standard for commercial motor vehicles.

When 102-inch wide vehicles move in traffic lanes narrower than 12 feet, the normal back-and-forth lateral movements cause serious hazards to vehicles in adjacent lanes, even when driven carefully in good weather. When strong crosswinds occur, or during heavy precipitation, or on icy roads, the hazard is multiplied.

Wide trucks on narrow pavement cause other problems for drivers of passenger cars. The wider vehicles block sight for all following vehicles. making safe passing more difficult to assess and requiring critical additional passing distance. They cause serious draft displacement of smaller vehicles when passing and often prompt drivers to overcompensate for their size when approaching from the opposite direction, either by swerving into other lanes or hitting the brakes in anticipation of lane encroachment by the trucks.

REASONABLE ACCESS

The safety benefits derived from sufficiently limiting the national truck network will be destroyed if the concept of reasonable access is defined to include point of pick up to point of delivery.

The Federal Highway Administration saw the wisdom of a system that is responsive to local conditions when it decided to defer to state and local government officials in the selection of appropriate points of entering and exiting the trucking network to accommodate needs for fuel, food, lodging, repair, and access to terminals. AAA supports this decision.

AAA would like to note its support for three other aspects of the reasonable access concept. First, several states have chosen to allow for exit from the truck route network on a permit-only basis, and we support that approach to determining access. Indeed, with respect to the non-Interstate portion of the federal network, where a broad array of food, fuel, lodging, and repair facilities already exists, there is little justification for providing additional access on a non-permit basis.

Second, state and local officials should be allowed the flexibility to prohibit larger vehicles from exiting the federal network onto local roads according to the dictates of changing conditions. If a particular exit or group of exits of the network lead to one or more roads unsuitable for the larger trucks mandated by the STAA, state and local officials should be guaranteed the discretion to prohibit such trucks from using that exit or group of exits (except in emergency situations).

Moreover, if an entire segment of the trucking network adjoins an area unsuitable for larger trucks because of traffic mix, congestion, or for any other reason, state and local officials should have the option of prohibiting those trucks from exiting that highway anywhere along that segment of road. This "drive-through" concept would allow interstate commerce to proceed while ensuring that the STAA's allowance for reasonable access could not be used to allow large vehicle combinations to travel roads on which they are unsafe.

Third, AAA believes any definition of the word "terminal" should be fully responsive to the intent of Congress to limit the operation of large trucks to the route structure which can safely accommodiate them. Congress was very clear in specifically exempting household goods carriers with respect to pickup and delivery in Section 412 of the STAA. If it had been the intent of Congress that all roads be available to the larger vehicles for point-to-point operation, there would have been no need to single out a specific carrier group for special treatment. Allowing the longer and wider trucks mandated by the STAA on all roads and streets would circumvent the congressional intent in creating a national truck route network.

In our view, a terminal is a facility at the end of a carrier line with full freight loading and unloading capabilities and with freight storage capacity to hold items prior to delivery to a final destination. The terminal should be the final point at which the longer combination trucks authorized by the STAA may operate off the national truck network.

Thank you for considering our views.

[The following information was subsequently received for the record:]

Question of the Minority and the Answer Thereto

Question. In addition to commenting on S. 2217, your testimony also addresses the question of allowing increased access. What is your view of legislation allowing a single 28-foot trailer to travel through an urban area to serve shippers? Would this not be a safer method of serving shippers than by limiting access to those tractor-trailer combinations pulling 45-foot long and 96-inch wide trailers.

Answer. The American Automobile Association believes there is no need for federal legislation to allow a single 28-foot, 102-inch wide trailer to travel throughout an urban area from points of pickup to points of delivery off of the designated truck route system. As we stated in our prepared testimony, AAA supports the decision of the Federal Highway Administration to defer to state and local officials in the determination of access off the designated system. Whether or not a single tandem trailer should be allowed on city streets and alleys is a decision that must be made by local and state officials familiar with those streets.

With respect to the question of the safety of single 28-foot, 102-inch wide trailer over that of a conventional 45-foot trailer that is 96 inches wide, we would cite the following from a study prepared for the Federal Highway Administration in 1981:

"From a safety point of view, truck widths would appear to be the most critical of the three dimensions. While most major highways have lanes that are 12 feet (3.7 m) wide, there are numerous two-lane roadways with lane widths of 9–12 feet (2.7–3.0 m). Obviously, trucks with widths approaching these narrower lane widths would not allow much margin for changes in lateral placement. Consequently, wide trucks pose a potentially serious safety problem, particularly on two-lane roads with opposing traffic." (The Effect of Truck Size and Weight on Accident Experience and Traffic Operations, Vol. 3 Accident Experience of Large Trucks, July 1981, Report No. FHWA/RD-80/137)

A FHWA footnote to the above states: "The safety problem associated with wider trucks is a perceived one. Research on wide vehicles has shown that there is no significant difference in the safety performance of 102-inch wide vehicles versus 96-inch wide vehicles *on divided highways with 12-foot wide lanes.*" (emphasis added)

It is the movement of 102-inch wide vehicles on lanes less than 12 feet wide that concerns the AAA. According to information from FHWA, of the 67,310 miles of urban minor arterials in the U.S., 44.7 percent have lane widths of less than 12 feet. Of the 69,562 miles of urban collectors, 54.4 percent also have lane widths of less than 12 feet. What we find alarming is the fact that of the above mileage with less than 12-foot travel lanes, over 25 percent have lane widths of 108 inches or less. We do not think commercial needs are so strong that additional roads and streets should be exposed to the greater safety hazards associated with wider vehicles under the mandate of federal legislation.

AAA believes that federal legislation of this order would provoke a call for exemptions for too-narrow roads of a far greater magnitude than any exemptions comprehended by S. 2217. If a *state* should open its roads to 102-inch vehicles, it nevertheless would be a relatively simple administrative task to close certain unsafe routes to wide truck traffic. To add the federal government as a further layer of administrative review, however, would create a tremendous burden to both state and federal officials.

Finally, federal allowance for point-to-point operation of 28-foot-long, 102-inch wide trailers might not be the end of the matter. AAA fears that once there is a federal precedent, there will be continued pressure for liberalization of the law so as to attain access for increasingly larger units and combinations in pursuit of commercial convenience, effectively putting an end to the concept of a designated truck route system.

Senator **Danforth**. Thank you, sir. Very well put.

Mr. Donaldson.

Mr. **Donaldson**. Thank you.

My name is Gerald Donaldson. I work in highway safety at the Center for Auto Safety here in Washington, D.C. The center is a membership, not-for-profit, public-interest/consumer advocacy organization founded 15 years ago by Ralph Nader and Consumers Union. We are dedicated to reducing our national highway losses due to unnecessary vehicle and road defects.

Mr. Chairman, truck accidents are one of the most chronically serious aspects of our enormous losses of lives and property due to motor vehicle accidents. Although our national accident rate has decreased overall during the past 3 years, the accident losses in the United States due to truck accidents are worsening.

Large truck operation in the United States is fraught with severe consequences for both truck and passenger car occupants. Moreover, there is an emerging evidence that as the big rigs get bigger the dangers of severe accidents commensurately increase. Recent research points up the extreme hazardousness of larger semi and tandem trailer truck operation, especially on substandard older highways off the Interstate System.

In contrast to the most recent research, past large truck studies, including those that purport to show that longer trucks, particularly tandem trailers, are safer than shorter, semitrailer trucks, are unreliable because they used inadequate data bases and/or failed adequately to correlate truck type with the design geometry and functional class of the various roadways on which these larger trucks operate.

Despite this emerging evidence of the substantial increases in accident potential generated by the use of longer and wider heavy trucks on these substandard, defective highways, the Federal Highway Administration has recently proclaimed an interim system of designated roads which contains about 35,000 miles of substandard lanes, despite Congress' unambiguous requirement that all highways designated for use by the wider (102-inch) trucks have lanes at least 12 feet wide. In fact, many segments even of older interstate highways, particularly in densely populated urban areas, have travel lanes designed and marked as less than 12 feet wide. Since the language of the statute is clear on its face, no State or city could be forced by the Federal Government to permit 102-inch wide trucks on these substandard interstate segments.

Similarly, Congress directed the Secretary of the DOT to designate only those routes for use by the bigger rigs, including longer semi and tandem trailer trucks, which could safely accommodate them. Despite Congress' clear insistence in the STAA's section 411 that the FHWA affirmatively determine the safety adequacy of the routes that could be used by longer trucks, the agency instead saddled the States with the obligation to disprove the presumed safety of any given route in order to delete it from the national network. It is clear that the result of using a deletion or de-designation approach has been the failure to meet explicit congressional intent by enabling the Federal Government to bypass the affirmative findings of adequacy for the designated routes and to insist on the inclusion of many routes even over the strong protests of many of the States. A case in point are the several U.S. primary system routes in New York State and in New Jersey, which are obviously inadequate for travel by longer and wider trucks, but which are insisted on by the FHWA despite the compelling evidence for their deletion provided by the two States 'departments of transportation.

It consequently would be far preferable, Mr. Chairman, for the Secretary to be directed to make affirmative findings of adequacy for the interstate as well as for the U.S. primary system. On the basis of evaluative criteria established pursuant to congressional intent, the Secretary would have the burden of determining the safety adequacy of the interstate routes to be used by the larger trucks. These criteria would include traffic lane design, shoulder width, superelevation, grade, horizontal and vertical curvature, average daily and/or hourly traffic, vehicle mix, and accident experience by vehicle type.

Of course, the Secretary would be able to rely on the existing resources of the States to provide the bulk of the information on the safety profile of the interstate highways. And in the process of making affirmative findings on the basis of such national criteria of adequacy, the Secretary should be required to eliminate any route or segment of route with present and prospective serious accident problems. We endorse any system of evaluating the safety of the interstate highways which is similar to the clear intent of Congress for findings of safety adequacy of the noninterstate primary system highways as set forth in section 411 of the 1982 STAA.

That completes our summary of written testimony submitted for the record, Mr. Chairman. We would be pleased to respond to any questions you may have for us.

[The statement follows:]

STATEMENT OF GERALD DONALDSON, PH. D., HIGHWAY SAFETY PROJECT, CENTER FOR AUTO SAFETY

My name is Gerald Donaldson. I work in highway safety at the Center for Auto Safety here in Washington, D.C. The Center is a membership, not-for-profit, public-interest/consumer advocacy organization founded fifteen years ago by Ralph Nader and Consumers Union. We are dedicated to reducing our national highway losses due to unnecessary vehicle and road defects.

Mr. Chairman, truck accidents are one of the most chronically serious aspects of our enormous losses of lives and property due to motor vehicle accidents. Although our national accident rate has decreased overall during the past three years, the accident losses in the United States due to truck accidents are worsening. Large trucks account for only about 7 percent of the nation's vehicle-miles-travelled; yet the fatalities that result from large-truck accidents average nearly 14 percent a year, and this ratio is expected at the least to remain constant throughout the

1980s.[1] Over the past few years, the morbidity of passenger car occupants in crashes with large trucks has steadily increased to the point where more than 33 car occupants die for every tractor-trailer truck occupant.[2]

These large trucks experience twice the fatal accidents per mile of travel than do passenger cars,[1] and combination trucks, such as "double-bottom" or tandem-trailer trucks, as well as "singles" or semi-trailers, have almost four times the fatal accident involvements of straight trucks per VMT.[1] One of every three of these single and double combination trucks are involved in an accident each year, as against only one of every thirteen passenger cars.[1]

It is apparent from these figures, Mr. Chairman, that large truck operation in the U.S. is fraught with severe consequences both for truck and passenger care occupants. Moreover, there is emerging evidence that as the big rigs get bigger, the dangers of severe accidents commensurately increase. Recent research points up the extreme hazardousness of larger semi- and tandem-trailer truck operation especially on substandard older highways off the Interstate system.[3] The most dangerous operating environment, particularly for longer double-bottom trucks, is the nation's rural two-lane, two-way roads.[3] Passing attempts, both of cars attempting to pass longer trucks, as well as longer trucks attempting to pass other vehicles, are a leading candidate for high accident rates on these roadways that often have severely limited passing sight distance and short passing zones, narrow lanes, severe vertical and horizontal curves, and partial or non-existent shoulders.[4] [5] [6] [7] [8] We only now are beginning to realize the increased dangers of longer and wider trucks when they operate on these antiquated rural facilities.

In contrast to the most recent research, past large truck studies, including those that purport to show that longer trucks, particularly tandem-trailers, are safer than shorter, semi-trailer trucks, are unreliable because they used inadequate data bases--such as the carrier-reported data of the Bureau of Motor Carrier Safety—and/or failed adequately to correlate truck-type with the design geometry and functional class of the various roadways on which these larger trucks operate. When the serious operating constaints of these roads are taken into consideration, it is not surprising that we are now discovering that, in particular, tandem-trailer trucks sixty-five to seventy-five feet long, have a proclivity for outboard high-speed off-tracking which carries the rear trailer over the centerline into the oncoming lane of two-way roads, especially on curves; and a tendency to roll over whenever quick steering motions are translated to the following twin trailers (known as the "amplification factor" due usually to oscillatory front steering-axle inputs).[9]

Despite this emerging evidence of the substantial increases in accident potential generated by the use of longer and wider heavy trucks on these substandard, defective highways, the Federal Highway Administration (FHWA) has recently proclaimed an interim system of designated roads which contains tens of thousands of miles of narrow, winding, two-lane, two-way roads which already have high accident experience. These routes have lanes less than twelve-feet wide—sometimes only 9 feet or less—numerous at-grade intersection conflicts, and are littered with hazardous roadside fixed-objects and conditions. About 35,000 miles of these roads have these sub-standard lanes, despite Congress' unambiguous requirement that all highways designated for use by the wider (102") trucks have lanes at least twelve feet wide. 1982 STAA § 416. In fact, many segments even of older Interstate highways, particularly in densely-populated urban areas, have travel lanes designed and marked as less than twelve feet wide. Since the language of the statute is clear on its face, no state or city could be forced by the Federal government to permit 102"-wide trucks on these substandard Interstate segments.

Similarly, Congress directed the Secretary of the U.S. DOT to designate only those routes for use by the bigger rigs, including longer semi- and tandem-trailer trucks, which could safely accommodate them. Despite Congress' clear insistence in the STAA's § 411 that the FHWA affirmatively determine the safety adequacy of the routes that could be used by longer trucks, the agency instead saddled the states with the obligation to disprove the presumed safety of any given route in order to delete it from the national network. It is clear that the result of using a deletion or "de-designation" approach has been the failure to meet explicit Congressional intent by enabling the Federal government to bypass the affirmative findings of adequacy for the designated routes and to insist on the inclusion of many routes even over the strong protests of many of the states. A case in point are the several U.S. Primary System routes in New York state which are obviously inadequate for travel by longer and wider trucks, but which are insisted on by the FHWA despite the compelling evidence for their deletion provided by the New York DOT.

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[1] Footnotes at end of article.

In sum, the Federal approach of employing a deletion or "de-designation" approach for the determination of the national system of routes available to longer and wider trucks was designed to maximize: (a) the amount of mileage in each state and, therefore, throughout the nation and (b) route interconnectivity. It allows the agency to avoid the burden of affirmative findings of adequacy of all candidate routes, an approach which would, as the agency well knows, guarantee the removal of many thousands of miles of routes throughout the states, for the demonstration of their hazardous condition would make it impossible for the government to insist on their inclusion. Unfortunately, an additional result of the deletion approach is that it also guarantees increased potential for death and injury both to truckers and to motorists on the many dangerous routes which perforce remain open to longer and wider trucks.

It consequently would be far preferable for the Secretary to be directed to make affirmative findings of adequacy for the Interstate as well as for the U.S. Primary system. On the basis of evaluative criteria established pursuant to Congressional intent, the Secretary would have the burden of determining the safety adequacy of the Interstate routes to be used by the larger trucks. These criteria would include traffic lane design, shoulder width, superelevation, grade, horizontal and vertical curvature, average daily and/or hourly traffic, vehicle mix, and accident experience by vehicle type. Of course, the Secretary would be able to rely on the existing resources of the states to provide the bulk of the information on the safety profile of the Interstate highways. In the process of making affirmative findings on the basis of such national criteria of adequacy, the Secretary should be required to eliminate any route or segment of route with present and prospective serious accident problems. We endorse any system of evaluating the safety of the Interstate highways which is similar to the clear intent of Congress for findings of safety adequacy of the non-Interstate Primary system highways as set forth in § 411 of the 1982 STAA.

REFERENCES

[1] "Large-Truck Accident Causation," NHTSA Technical Report DOT HS-806 300, July 1983.

[2] "Car-Truck Fatal Accident Study," AAA Foundation for Traffic Safety, September 1983.

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[4] Lieberman, Edward B., "A Model of the Passing Maneuver on Two-Lane Rural Roads," Transportation Research Board Annual Meeting, January 1982.

[5] Gordon, D. A., "Highway Sight-Distance Requirements: Truck Applications." FHWA-RD-79-26, February 1979.

[6] Gericke, Ogilvie and Walton, Michael, "Influence on Rural Highway Geometric Design and Redesign Principles and Practices of Increased Truck Size and Weights," Transportation Research Board Annual Meeting, January 1981.

[7] Saito, Mitsuru, "Evaluation of the Adequacy of the MUTCD [Manual on Uniform Traffic Control Devices] Minimum Passing Sight Distance Requirement for Aborting the Passing Maneuver," Institute of Transportation Engineers Journal, January 1984.

[8] Garber, Nicholas and Saito, Mitsuru, "Passing Requirements for Two-Lane Highways in Mountainous Areas," Transportation Research Board Annual Meeting, January 1984.

[9] Ervin, R. D.; Nisonger, R. L.; MacAdam, C. C.; Fancher, P. S., "Influence of Size and Weight Variables on the Stability and Control Properties of Heavy Trucks. University of Michigan Transportation Research Institute 83-10/1 (FHWA/RD-83/029), March 1983.

Senator DANFORTH. Thank you very much. I think you have done a good job of presenting your position. Were you present when the Transportation Department witness, Mr. Hazeltine, testified?

Mr. DONALDSON. Yes. And Mr. Lamm also.

Senator DANFORTH: Yes. Do you think we can work out something that is mutually satisfactory to the Department of Transportation and to the safety interests that you represent?

Mr. DONALDSON. We would be interested in seeing the Secretary given more responsibility in a unilateral way to be able to determine which interstate segments to be inadequate and to be deleted. However, we do not like the idea of the States being saddled with the responsibility of being able to designate which would be the alternate routes that would have to satisfy everybody.

Senator DANFORTH. Should they not have to make a suggestion in that direction?

Mr. Donaldson. What was that?

Senator Danforth. Do you not think that the Governor should at least make some sort of a designation, or at least an analysis?

Mr. Donaldson. Yes. We have no objection to a suggestion, but we think that the adequacy of an inter—that the routing across the States does not lie with the several State Governors; it lies with the Federal Government.

Senator Danforth. But clearly the Secretary of Transportation should weigh how traffic is going to move.

Mr. Donaldson. Yes.

Senator Danforth. You cannot shut down whole sections of highway and say we are not going to be concerned with how the transportation moves.

Mr. Donaldson. We agree with that.

Senator Danforth. Do you have anything you would like to add, Mr. Archer?

Mr. Archer. I would like to make one other point regrading the roadway express amendment. If Congress allowed that kind of system it would be opening Pandora's box. That is the first step in eventually allowing all other vehicles virtually unlimited access.

Senator Danforth. What kind of system?

Mr. Archer. If Congress defined reasonable access for the so-called puptrailers to include point of pickup to point of delivery it seems to me that it would be allowing them to go everywhere, and that would frustrate the whole concept of the truck network. It would be destroyed, if not initially, then eventually.

A reference was made to buses, to the fact that buses are wider. I would like to make a couple points about that. Buses are tightly controlled. They are not allowed to go everywhere. They travel on specific routes that local and State officials have looked at very carefully. That is enormously different from permitting the trucking industry to deliver their goods wherever they want to. That kind of amendment, if that ever gets into Federal law, will eventually destroy the truck network.

Thank you.

Senator Danforth. Thank you all very much.

[Whereupon, at 12:20 o'clock p.m., the subcommittee adjourned, to reconvene upon the call of the Chair.]

ADDITIONAL ARTICLES, LETTERS, AND STATEMENTS

AMERICAN TRUCKING ASSOCIATIONS, INC.,
Washington, D.C., March 26, 1984.

Hon. JOHN C. DANFORTH,
Chairman, Surface Transportation Subcommittee, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Following the March 22 hearing of the Surface Transportation Subcommittee on S. 2217, Tandem Truck Safety Act of 1984, I asked the ATA Senior Safety Engineer to determine alternative routes and increased mileages to be traveled by longer vehicles authorized by the Surface Transportation Assistance Act of 1982 from Boston to Philadelphia if they are not allowed on interstate highways in New York City and Connecticut that are not built to interstate highway standards.

He has determined that the mileage increase would range from 42 percent to 60 percent depending upon the extent of the restrictions and the alternate routes to be used.

If the vehicles are allowed to freely travel the interstates in New York City and Connecticut, the mileage from Boston to Philadelphia is 296.

If the vehicles are restricted by New York City but not by Connecticut, the mileage from Boston to Philadelphia is 419, an increase of 42 percent above the shorter route through New York City.

If the vehicles are restricted by New York City and by Connecticut, the mileage from Boston to Philadelphia is 475, a 60 percent increase from the short route mileage of 296.

The attached memorandum shows the details of routing to avoid New York City and/or Connecticut.

It is our best judgment that cost of operating vehicles over circuitous routing would increase in direct relation to increases in mileages traveled. We could therefore expect such costs to increase in a range of 42 percent to 60 percent depending upon the routes used.

There would no doubt be a substantial reduction in safety resulting from the increased circuitry of routes to be traveled. It is fairly certain that the exposure to accidents would be less on a short stretch of substandard interstate highways then on the additional 123 to 179 miles of circuitous routing necessitated by restrictions.

Sincerely,

WILLIAM E. JOHNS.

Attachment.

[Memorandum]

AMERICAN TRUCKING ASSOCIATIONS, INC.
Washington, D.C., March 23, 1984.

To: Will Johns.
From: Neill Darmstadter, Senior Safety Engineer.
Subject: Comparative Mileage—Boston-Philadelphia.

Mileage according to chart in NAVL/Rand McNally atlas described as shortest practicable route for trucks—296.

For the following comparisons, the starting point was the junction of Route 128 and the Massachusetts Pike to a Pennsylvania Turnpike exit near Levittown (N.B. There is no exit from the Pennsylvania Turnpike to I-95 in Philadelphia).

Avoiding Connectivut		Thru Connecticut	
Springfield, MA	86	Mass. Pike-I-86 (Sturbridge)	51
State Line MA/NY	150	State Line MA/CT	61
NY Thruway	173	I-86/I-84 (Hartford)	102
NY Thruway/I-84	252	I-84 (Waterbury)	135
I-84, Port Jervis, NY	289	I-84 (Danbury)	148

Avoiding Connectivut		Thru Connecticut	
I-84/I-380 (PA)	340	State Line CT/NY	165
I-380/I-81	347	I-84 (Port Jervis)	233
I-81/N.E. Extension	359	(Port Jervis to Levittown via I-84, I-380, NE Ext. and PA Turnpike, 186 miles).	419
N.E. Ext./PA Turnpike	451		
Levittown	475		
Excess miles	179	Excess miles	123

NEILL DARMSTADTER.

STATE OF NEW YORK,
DEPARTMENT OF TRANSPORTATION,
Albany, N.Y., March 28, 1984.

Senator JOHN DANFORTH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DANFORTH: We regret not being able to appear to present testimony at the hearings being held by the Surface Transportation Subcommittee of the Senate Commerce Science and Transportation Committee on March 22, 1984, concerning the Tandem Truck Safety Act of 1984 (S. 2217). However, we would like to go around strongly supporting this needed legislation.

Several of the scheduled witnesses will provide ample testimony on the need to provide the Secretary of Transportation with the discretion to restrict the use of longer vehicles on sections of the Interstate System which cannot safely accommodate such vehicles. We agree with their analysis of the potential hazard of imposing longer vehicles upon many segments of the Interstate System within New York City which date back to the 1930's and which are inadequate by today's standards. They have narrow land widths, substandard curve radii, inadequate overhead clearances, short ramps and acceleration lanes, inadequate sight distances, excessive grades and a complete lack of shoulders and service roads. They cannot safely accommodate the mandated longer trucks.

Legislation is urgently needed to give the Secretary the authority to allow states to eliminate the potential safety hazard caused by the use of longer trucks on Interstate highways which were not built to safely accommodate them.

In presenting our testimony in support of this legislation before the Surface Transportation Subcommittee of the House Committee on Public Works and Transportation, the question was raised as to the criteria which might be used by the Secretary of Transportation to determine whether a segment of the Interstate can safely accommodate longer trucks. If the legislation is enacted, such criteria would have to be developed to guide the Secretary in making his determination. Attached are the criteria which we would suggest be used by the Secretary.

Thank you for the opportunity to comment upon this important legislation. We trust that these remarks will be made a part of the record.

Kind regards.

Sincerely,

JAMES L. LAROCCA, *Commissioner.*

Attachment.

RECOMMENDED CRITERA TO DETERMINE THE ABILITY OF INTERSTATE HIGHWAYS TO SAFELY ACCOMMODATE LONGER TRUCKS

In determining whether a segment of the Interstate System is capable of safely accommodating longer vehicles and configurations described in Subsections (a) and (c) of Section 411 of the Surface Transportation Assistance Act of 1982, it is suggested that the Secretary of Transportation consider a number of criteria. While failure to meet any single criterion would generally not constitute grounds for a negative determination, not meeting several would constitute such grounds.

Segments of highway which are not capable of safely accommodating longer trucks during peak hours, may safely handle such traffic at other times. While lane changing by longer trucks might constitute a potential safety problem on inadequately designed highways, restriction of such movements may mitigate the hazard. Consquently, in making his determination the Secretary should consider both time of day and lane restrictions, as well as the total exclusion of longer trucks.

1. *Existing Safety Record.*—Longer trucks should not be introduced on segments of Interstate highway which existing safety statistics indicate have accident rates significantly greater than the average rate for all Interstate highways in the area. This would indicate great difficulty in being able to safely accommodate longer trucks.

2. *Lane Widths.*—At least 12 foot lane widths are required to safely accommodate the tracking characteristics of longer trucks and lane changing.

3. *Shoulders.*—Full and continuous shoulder widths of 10 feet are desirable. A reduction of width or absence of shoulders constitutes a potential obstacle to safely accommodating longer trucks.

4. *Grades.*—Within the 80,000 pound maximum limit, longer trucks will carry heavier loads, and will tend to negotiate steep grades at a lower speed than other commercial vehicles. The slow down of the longer trucks on steep grades without climbing lanes creates a potential hazard by requiring unnecessary lane changing by other vehicles desiring to maintain their speed. Longer trucks should not be introduced on segments of Interstate highways with excessive grades which lack separate climbing lanes.

5. *Weaving Lengths.*—Longer trucks require longer distances to safely tranverse weaving sections at interchanges. Such trucks should be prohibited from Interstate Highways where weaving lengths are inadequate.

6. *Mainline Lane Drops.*—Lane changing by longer trucks increases the risk of accident. The requirements for lane changing by longer trucks should be minimized. Highways with mainline lane drops and left hand exit and entry ramps require excessive lane changing and present a safety problem.

7. *Ramp and Interchange Geometry.*—The tracking characteristics of longer vehicles require adequate turning radii, lane widths and shoulders on ramps. Full acceleration and deceleration lanes, adequate shoulders and vehicle storage length, and acceptable grades are also required to permit the safe operation of longer trucks.

8. *Vertical Clearances.*—Vertical clearances which are less than the legal height limit for trucks require restricting use of longer trucks since they are forced to use inadequate local streets as an alternate to the Interstate route.

9. *Level of Service.*—Longer trucks should not be imposed on segments of highway which are already operating below acceptable levels of service. A Level of Service less than D would indicate a problem in safely accommodating longer trucks.

10. *Alternate Routes.*—The Secretary should take into account the severity of the impact upon Interstate commerce of restricting a segment of the Interstate System for use by longer trucks. Where alternative routes which can safely accommodate longer trucks engaged in Interstate commerce are available, the impact of restrictions on the use of longer trucks will be minimized.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMENT & HELPERS OF AMERICA,
Washington, D.C., April 3, 1984.

Hon. JOHN C. DANFORTH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DANFORTH: As the representative of hundreds of thousands of interstate truck drivers employed by the motor carrier industry, we appreciate the opportunity to comment on S. 2217, the "Tandem Truck Safety Act of 1984." While we are committed to promoting truck safety in the interest of our membership, we believe that this bill, which seeks to give the Department of Transportation authority to exempt segments of the interstate system for safety reasons, is unnecessary.

When arguing the need of S. 2217, proponents of the bill cite the fact that segments of the interstate system are unsafe for vehicles of certain lengths because of highway age and design. While we agree that certain segments of the interstate system may be unsafe, we do not feel that an amendment to the Surface Transportation Assistance Act of 1982 is the only solution to a well-recognized problem. As you are aware, the Department of Transportation currently has the authority to restrict the use of unsafe interstate segments by entering into restrictive agreements with the states. For this reason, we would prefer to have the Department of Transportation exercise their authority to control the use of substandard interstate highway segments under the restrictions rulemaking process rather than have the Department of Transportation receive redundant authority via a legislative amendment.

In addition to suggesting that unsafe interstate highways warrant this amendment, proponents of S. 2217 cite the inherent danger of tandem trucks as justification for the amendment as well. Our experience with "doubles" in the west show quite the contrary. We have not found "doubles" to be any less safe than tractor-trailer combinations. "Doubles" offer good handling with little off-tracking and good maneuverability on short turns. Tandems are practical for highly urbanized and congested routes as well because they can be broken down at outlying terminals and the smaller trailers can be used for local pick-up and delivery.

Our concern with S. 2217 centers on what the real effect of such an amendment will be on highway safety. Should S. 2217 be passed, we fear that the re-designation of certain interstate segments may result in a spill-over of "doubles" onto substandard segments of the federal primary and secondary system. In other words, S. 2217 may create a situation whereby drivers are forced to drive circuitous routes on unsafe non-interstate roads because of a federal exemption of an interstate segment. This would only make an already bad situation worse.

In summary, we believe that S. 2217 is unnecessary and may actually serve to aggravate an existing safety problem of highway design and vehicle length.

Again, we appreciate the opportunity to comment on S. 2217 and to work with you on another truck safety matter of interest to our members.

Sincerely,

R. V. DURHAM,
Director, Safety and Health Department.

THE NATIONAL INDUSTRIAL TRANSPORTATION LEAGUE,
OFFICE OF THE EXECUTIVE VICE PRESIDENT,
Washington, D.C., April 9, 1984.

Hon. JOHN C. DANFORTH,
Chairman, Subcommittee on Surface Transportation, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN DANFORTH: The National Industrial Transportation League would like to take this opportunity to express the view of corporate transportation professionals on S. 2217, Tandem Truck Safety Act of 1984. We respectfully request that this letter be made part of the hearing record on this issue.

The League is a voluntary organization of shippers, shippers' associations, boards of trade, chambers of commerce, and other entities concerned with freight, rates, and transportation services of all modes. It is the only nationwide organization representing shippers of all sizes and commodity lines using all modes of transportation to move their goods in interstate and international commerce. Our members, directly or indirectly, are responsible for the routing of about 80% of the country's commercial freight.

The League shares your goal of ensuring the safe transportation of goods over the nation's highways. We are pleased by the Committee's favorable action on S. 2174, which promises to provide the funding and direction needed for an effective national truck safety program.

Based on our review of S. 2217, the League supports, in principle, the goals of this legislation—to ensure that all of our federal systems are able to safely handle the more productive equipment permitted by the Surface Transportation Assistance Act of 1982. However, we are concerned about the criteria which would be used to make these safety determinations.

If unique local circumstances create a demonstrable safety problem, the League believes that the Department of Transportation and the state should have the regulatory flexibility to address the issue. We are opposed to the capricious use of this authority because it undermines the STAA's goals of a more efficient and cost effective interstate trucking industry.

If Congress is to grant this authority to DOT, we respectfully request that the subcommittee require that DOT grants safety waivers only in those instances where engineering data and other impartial evidence clearly show that the safety of the driving public is at risk.

We thank you for this opportunity to present our views, and look forward to working with you and your staff to attain our mutual goal of a safe and efficient interstate trucking industry.

Sincerely,

JAMES E. BARTLEY,
Executive Vice President.

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